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Borden East River Realty, LLC  
c/o Ruskin Moscou Faltischek, P.C.  
Attention: Eric Rubenstein  
1425 Rexcorp Plaza, East Tower, 15th Floor  
Uniondale, NY 11556

RE: One Hunters Point Condominium  
File Number: CD070082  
Date Amendment Filed: 02/26/2008  
Receipt Number: 91001

Amendment No: 13  
Filing Fee: \$225.00

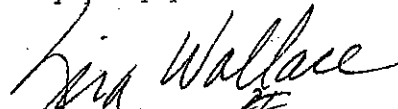
Dear Sponsor:

The referenced amendment to the offering plan for the subject premises is hereby accepted and filed. The acceptance of this amendment does not extend the term of the offering. Any material change of fact or circumstance affecting the property or offering requires an immediate amendment.

Any misstatement or concealment of material fact in the material submitted as part of this amendment renders this filing void ab initio. This office has relied on the truth of the certifications of sponsor, sponsor's principals, and sponsor's experts, as well as the transmittal letter of sponsor's attorney.

Filing this amendment shall not be construed as approval of the contents or terms thereof by the Attorney General of the State of New York, or any waiver of or limitation on the Attorney General's authority to take enforcement action for violation of Article 23-A of the General Business Law or other applicable law. The issuance of this letter is conditioned upon the collection of all fees imposed by law. This letter is your receipt for the filing fee.

Very truly yours,

  
Lisa Wallace  
Assistant Attorney General

NOTICE: This document is a copy of the original document filed with the Office of the Attorney General. It is not a certified copy. The original document is the only document that should be used for legal purposes. This document is for informational purposes only.

## AMENDMENT NO. 13

To the Offering Plan of

## ONE HUNTERS POINT CONDOMINIUM

Located at:  
 5-49 Borden Avenue  
 Long Island City, Queens County, New York

Dated: February 26, 2008

This Offering Plan for One Hunters Point Condominium accepted for filing on September 11, 2007, as amended pursuant to Amendment No. 1 dated September 25, 2007, Amendment No. 2 dated October 5, 2007, Amendment No. 3 dated October 12, 2007, Amendment No. 4 dated October 22, 2007, Amendment No. 5 dated October 30, 2007, Amendment No. 6 dated November 6, 2007, Amendment No. 7 dated November 20, 2007, Amendment No. 8 dated November 27, 2007, Amendment No. 9 dated December 4, 2007, Amendment No. 10 dated January 2, 2008, Amendment No. 11 dated January 9, 2008 and Amendment No. 12 dated January 22, 2008 is hereby further amended as follows:

I. EXTERIOR SQUARE FOOTAGE CHANGES

The exterior square footage as to certain Units have been changed as follows:

<u>Unit</u>	<u>Prior Exterior Sq. Footage</u>	<u>Revised Exterior Sq. Footage</u>
2F	1351	910
2N	1196	745

II. UPDATED FLOOR PLAN

The diagrams for the Units designated below currently filed in the Offering Plan are hereby amended as reflected in Exhibit A annexed hereto. The subject units are:

2A	3M, 5 – 8M
2B	9A
2D	9C
2E	9D
2F	9E
2G	9G
2M	9J
3-8A	10-12A
3-8B	10-12C
3-8D	10-12D
3-8E	10-12E
3-8F	10-12G
3-8G	10-12J

These corrections were necessitated by (i) an overstatement of the square footage of the 2<sup>nd</sup> bedroom for Units designated as J-Residence, two bedrooms, floors 9 – 12, although the aggregate square footage of each such Unit has not changed, and (ii) a modification of the bathroom tubs to shower stalls in the master bedroom bathroom in all of the Units referenced above, except for Units 5D and 6D in which there has been a modification of the bathroom tubs to shower stalls in the second bedroom bathroom, and not the master bedroom bathroom.

**III. DESIGNATION OF TWELFTH FLOOR AS PENTHOUSE FLOOR**

The Plan is hereby modified to change the designation of the "twelfth floor", or "floor 12" to the "Penthouse Floor". For example, Unit "K12" is hereinafter designated as "K-PH". All sales, marketing and promotional material previously referring to the twelfth floor or floor 12, shall be deemed to refer to the Penthouse Floor.

**IV. MORTGAGE LENDER**

The Plan provides that there is no financing contingency for the purchase of any Unit. The Sponsor and Selling Agent may recommend Wells Fargo, N.A., or other specified lenders, as a convenience to prospective purchasers, but neither Sponsor nor Selling Agent are stating or guaranteeing that mortgage financing by Wells Fargo, N.A. or any other lender will be available for the purchase of any Unit. Prospective purchasers should perform their own due diligence in determining the availability and terms for financing, and should not rely on Wells Fargo, N.A. or any other lender identified by Sponsor or Selling Agent.

**V. PRE-QUALIFICATION LETTER**

As a condition for submitting a purchase offer, prospective purchasers must deliver to Sponsor or Selling Agent a pre-qualification letter from Wells Fargo, N.A. or other institutional lender in form and substance acceptable to Sponsor in its sole discretion. A prospective purchaser is not required to obtain financing from Wells Fargo, N.A. or such other institutional lender in the event purchase financing is obtained, and there is no financing contingency for the purchase of any Unit.

**VI. MODEL HOME AND SALES DESIGN CENTER**

The models and samples that are displayed in the sales office are provided for demonstration purposes only. Actual finishes and appliances may vary. No furniture, furnishings, equipment or decorations displayed in the sales office are included in the sale of the Units, except as otherwise described in the Plan. The material and finishes in the Condominium are described in the Plan and are subject to modification as provided in the Plan. All dimensions are approximate and subject to normal construction variances and tolerances. For exact dimensions, prospective purchasers should hire their own architect

or engineer. All photographs and renderings are for artistic representation purposes only. The Sponsor makes no representations or warranties with respect to the Units, except as may be set forth in the Plan.

**VII. OFFERING PLAN PRICE**

The section of the Plan entitled Procedure to Purchase shall be amended to provide that the one hundred (\$100) dollar deposit required to be made to obtain a copy of the Plan subsequent to the date hereof is increased to one hundred fifty (\$150) dollars.

**VIII. BILLBOARD FENCE OR BERM**

Sponsor shall install a fence or berm with vegetation to partially screen from view the billboard on the property adjacent to the Property located to the East. The specifications for the fence or berm are included in the description of the public garden annexed hereto as Exhibit B.

**IX. ROOF TERRACES**

The Roof Units will be divided by planters, (the watering of which will be the responsibility of the Condominium Board) and not chain link fences. A description of the planters is included in the description of the roof cabanas annexed hereto as Exhibit C. The Roof Units will include connections for gas grilles. The Roof Units will have access to a bulkhead water connection servicing the Roof Units in general, but there will not be specific water connections for each Roof Unit. Lighting to the roof is provided by a combination of floor washing lights ringing the parapet wall and high mounted lights located on the face of the elevator bulkhead, stair bulkhead and mechanical equipment spaces.

**X. SELLING AGENT**

The Selling Agent is hereby changed to the following:

Brown Harris Stevens Project Marketing, LLC, 675 Third Avenue, Room 411, New York, New York 10017.

**XI. BICYCLE STORAGE SPACE**

Sponsor will offer license agreements to Purchasers of certain Units at the sole discretion of Sponsor substantially in the form annexed hereto as Exhibit D for use of certain space for storage of bicycles pursuant to license agreements. All Unit Owners may store bicycles in their respective Units, however, no Unit Owner may store bicycles on the property elsewhere, except pursuant to such license agreement.

**XII. SAFES**

In-home safes will be offered to Purchasers of Units as an upgrade option at an increased cost of \$750. The specifications and installation specifics are attached hereto as Exhibit E.

**XIII. KITCHEN UPGRADES**

As set forth in the Plan, the standard kitchen cabinet finish included in the overall Residential Unit cost is bleached oak cabinet doors with white melamine interiors. The kitchen upgrade options are Zebra cabinet doors or Walnut cabinet doors. In addition, Purchasers of Units may also choose alternative island wraps to be specified by Sponsor. A pricing schedule and specifications schedule for each upgrade is attached hereto as Exhibit F.

At the signing of a Purchase Agreement, Purchasers will be given the opportunity to select certain kitchen finishes offered by Sponsor and to be completed by Sponsor in the Unit as described above (collectively, the "Kitchen Finishes"). Sponsor will install or cause to be installed in the Unit those Kitchen Finishes selected by each Purchaser pursuant to a rider to the Purchase Agreement ("Kitchen Finish Rider"). It is anticipated that all Kitchen Finishes shall be completed by the Sponsor, subject to availability of materials and unavoidable delays, prior to the closing of such Unit.

**XIV. SIGN LEASE**

Sponsor's predecessor-in-interest entered into an agreement whereby a small portion of the real property located to the east of the Land has been leased to Colawe Company, Inc. for the purpose of maintaining and operating a sign.

**XV. DESCRIPTION OF PROPERTY AND IMPROVEMENTS**

Reference in the "Location, Acreage and Zoning" Section of the Plan (Page 22) shall be amended to provide that the Land covers approximately 26,817.50 square feet, not 13,920 square feet.

**XV. DESCRIPTION OF PROPERTY AND SPECIFICATIONS**

The Description of Property and Specifications section of the Plan dated January 16, 2007 is hereby replaced with the Description of Property and Specifications dated March 26, 2007, a copy of which is annexed hereto as Exhibit G. More specifically, the following modifications to the January 16, 2007 Description of Property Specifications were made in the March 26, 2007 version:

- a. Section (f)(4) shall be amended to correct a typographical error by changing "four" to "foot".
- b. Section (k)(1) shall be modified to delete reference to 7,000 BTU/H capacity and substitute 11,700 BTU/H capacity therefore.

- c. Section (m)(4) shall be modified to delete reference to 7,000 BTU and substitute 11,700 BTU therefore.
- d. Section (r)(5) shall be modified to reflect that the carbon monoxide detectors will be hard wired.
- e. Section (z) shall be modified to add a new subsection (ee), as follows:

“ee. Energy Conservation: to the best of my knowledge, belief and professional judgment, these plans and specifications are in compliance with the Energy Conservation Construction Code of New York State, using Chapter Five”.
- f. Section (h)(7)(i)b shall be modified to add “the insulation shall have an “R” value of 30.
- g. Section (h)(11)(i) shall be modified to add “all fire rated doors and frames to be “B” label, 1 ½ hour rated units”.

**XVI. ARCHITECT CERTIFICATION**

The Certification of Sponsor's Architect dated January 16, 2007 in the Plan is hereby replaced by the Certification of Sponsor's Architect dated March 26, 2007, a copy of which is annexed hereto as Exhibit H.

**XVII. WINDOWS**

Noise attenuated windows with sound-reducing glass have been installed in all Residential Units, the specification of which are described in Exhibit I annexed hereto.

**XVIII. PARKING SPACE UNITS**

Schedule A to the Plan is amended to change the reference of the handicap parking space unit from GA25 to GA21.

**XIX. PARKING SPACE UNIT TRANSFERS**

The Section of the Plan entitled “Rights and Obligations of the Unit Owners” is hereby modified to permit the sale and conveyance of a Parking Space Unit to the then present owner, or a pending purchaser, of a residential unit at Hunters View Condominium located at 48-15 11<sup>th</sup> Street, Long Island City, New York. The rights of Sponsor as to the sale or transfer of Parking Space Units shall not change.

**XX. UNIT CLOSING COSTS AND ADJUSTMENTS**

Reference in the Plan and in the Purchase Agreement is modified to provide that the base legal fee for Sponsor's attorney payable by Purchasers in the



sum of \$1,200.00 shall be increased to \$1,500.00, as to Purchase Agreements fully executed after the date hereof.

**XXI. TELECOMMUNICATIONS WIRING**

The Units will be delivered with the following wiring: (2) CAT 5E, (2) CAT 5E cable and (2) RG6/U COAX cable. This wiring will terminate inside the front closet inside the Units. Depending on the service selected, an additional adaptor box will need to be installed in the closet by arrangement between Purchaser and the service provider. The wiring installed by the Sponsor is compatible with wiring presently available for installation by Verizon and Time Warner inside the Units. Verizon is expected to run its fiber-optic cable wiring and Time Warner is expected to run their wiring to the telephone closet located on each floor, at which point the wiring supplied by the Sponsor from each unit to the telephone closet will be available to connect the unit to the service provider of their choice. The wiring within the unit is brought to the front closet within the unit for distribution from the front closet to the designated points within the unit. The final connection for the distribution wiring within the front closet will be made by arrangement between Purchaser and the service provider. An additional electrical outlet inside the front closet will be installed by the Sponsor to provide power for the additional adaptor box to be installed by the service provider as indicated above.

**XXII. INCORPORATION OF PLAN**

The Plan as modified and supplemented hereby is incorporated herein by reference with the same effect as if set forth in length.

**XXIII. DEFINITIONS**

All terms used in this Amendment not otherwise defined herein shall have the same meanings ascribed to them in the Plan.

**XXIV. NO MATERIAL CHANGES**

Except as set forth in this Amendment there have been no material changes in the Plan.

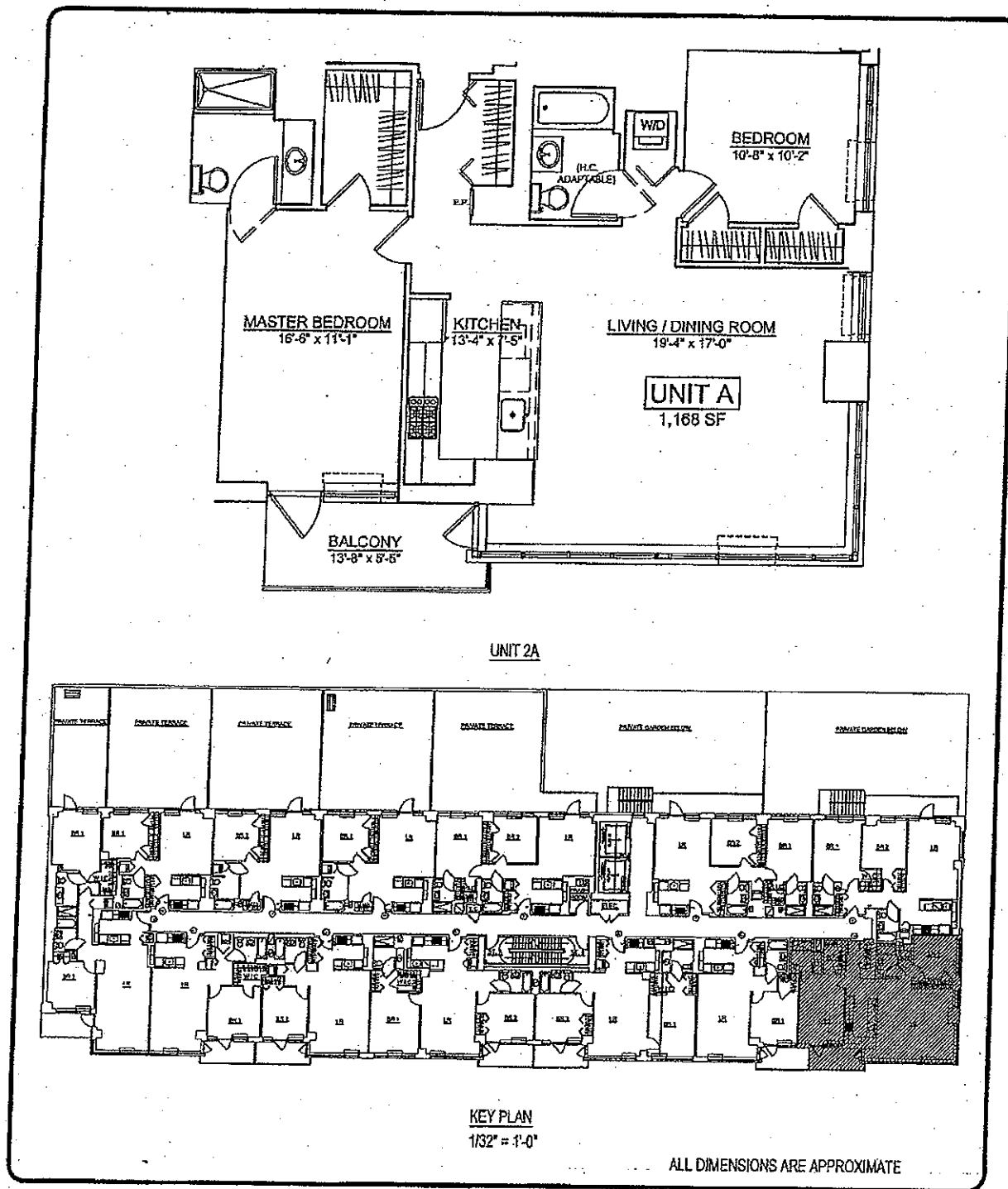
BORDEN EAST RIVER REALTY LLC  
Sponsor

Exhibit A

Updated Diagram for Units designated

2A	3M, 5 – 8M
2B	9A
2D	9C
2E	9D
2F	9E
2G	9G
2M	9J
3-8A	10-12A
3-8B	10-12C
3-8D	10-12D
3-8E	10-12E
3-8F	10-12G
3-8G	10-12J





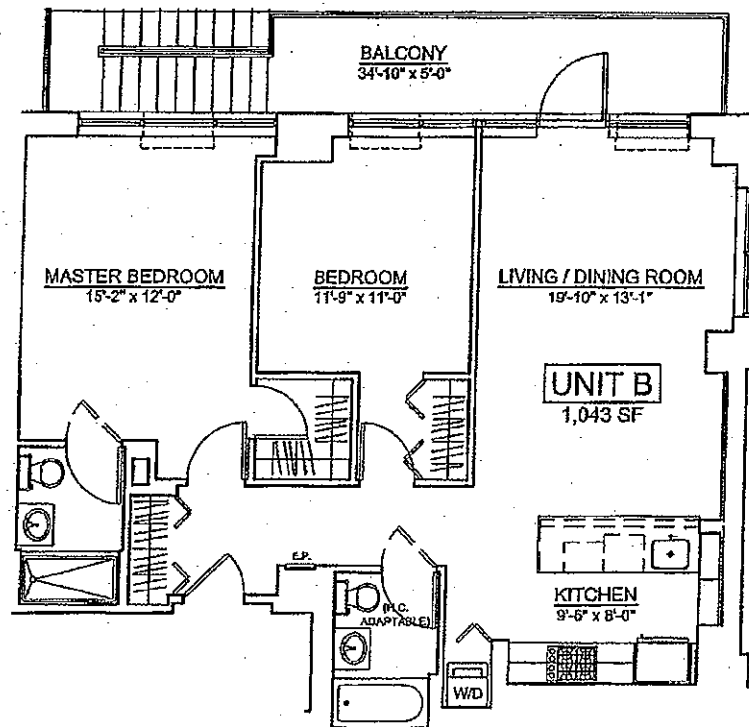
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JOB #: 05-77  
DWG. #: UNIT 2A

PROJECT:  
**ONE HUNTERS POINT**  
5-49 BORDEN AVENUE  
LONG ISLAND CITY, NEW YORK

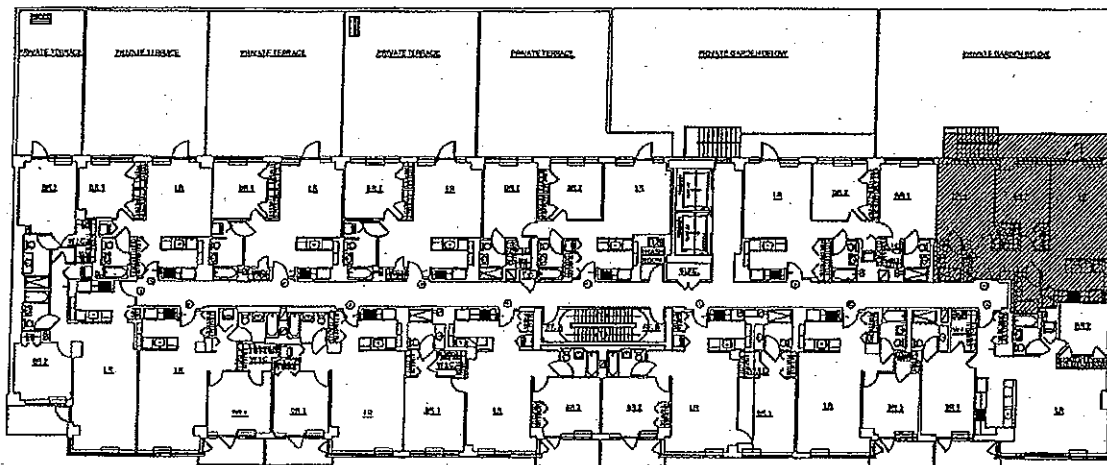


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UNIT 2B



KEY PLAN  
1/32" = 1'-0"

ALL DIMENSIONS ARE APPROXIMATE

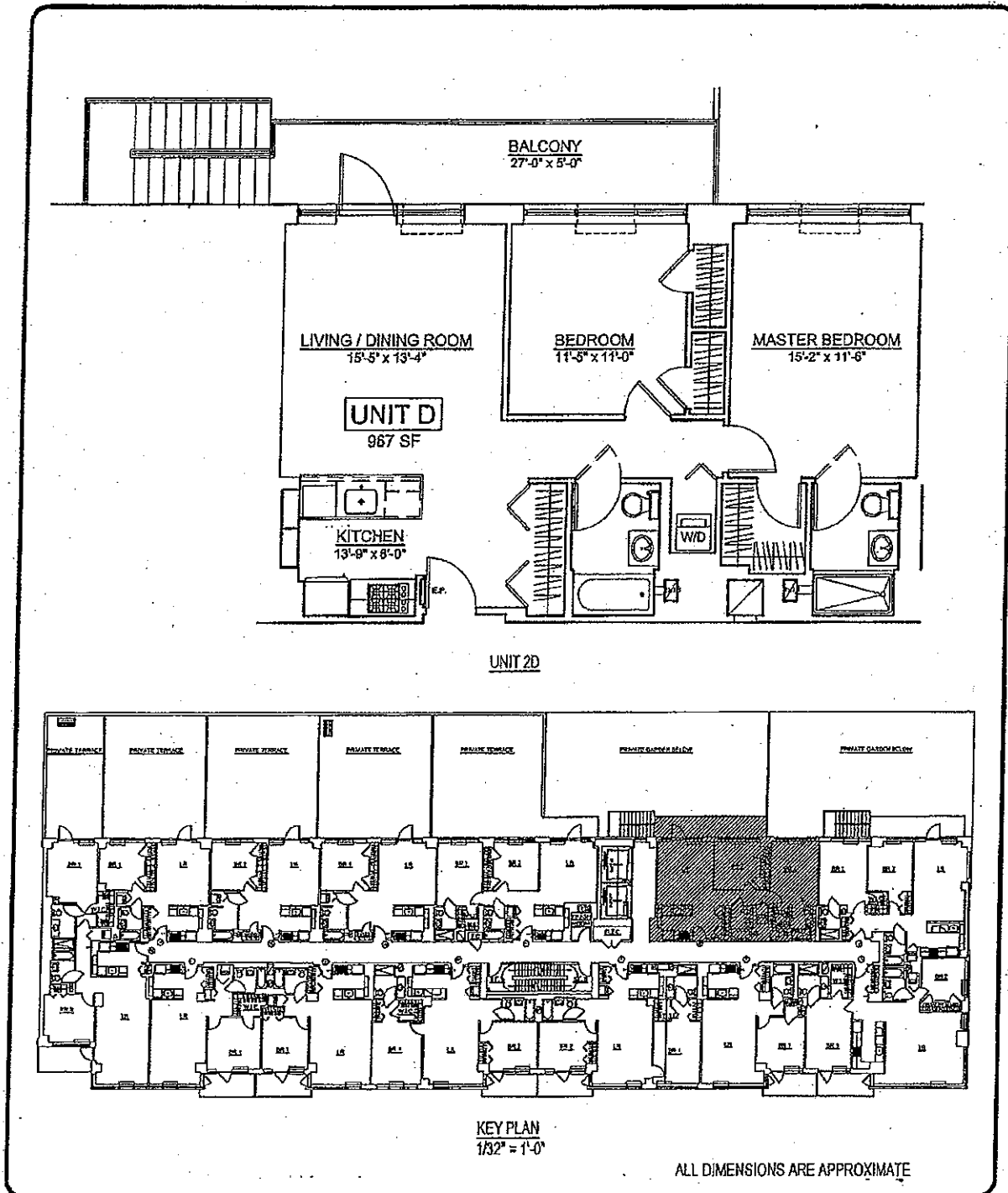
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DWG. #: UNIT 2B

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PROJECT:  
**ONE HUNTERS POINT**  
5-49 BORDEN AVENUE  
LONG ISLAND CITY, NEW YORK

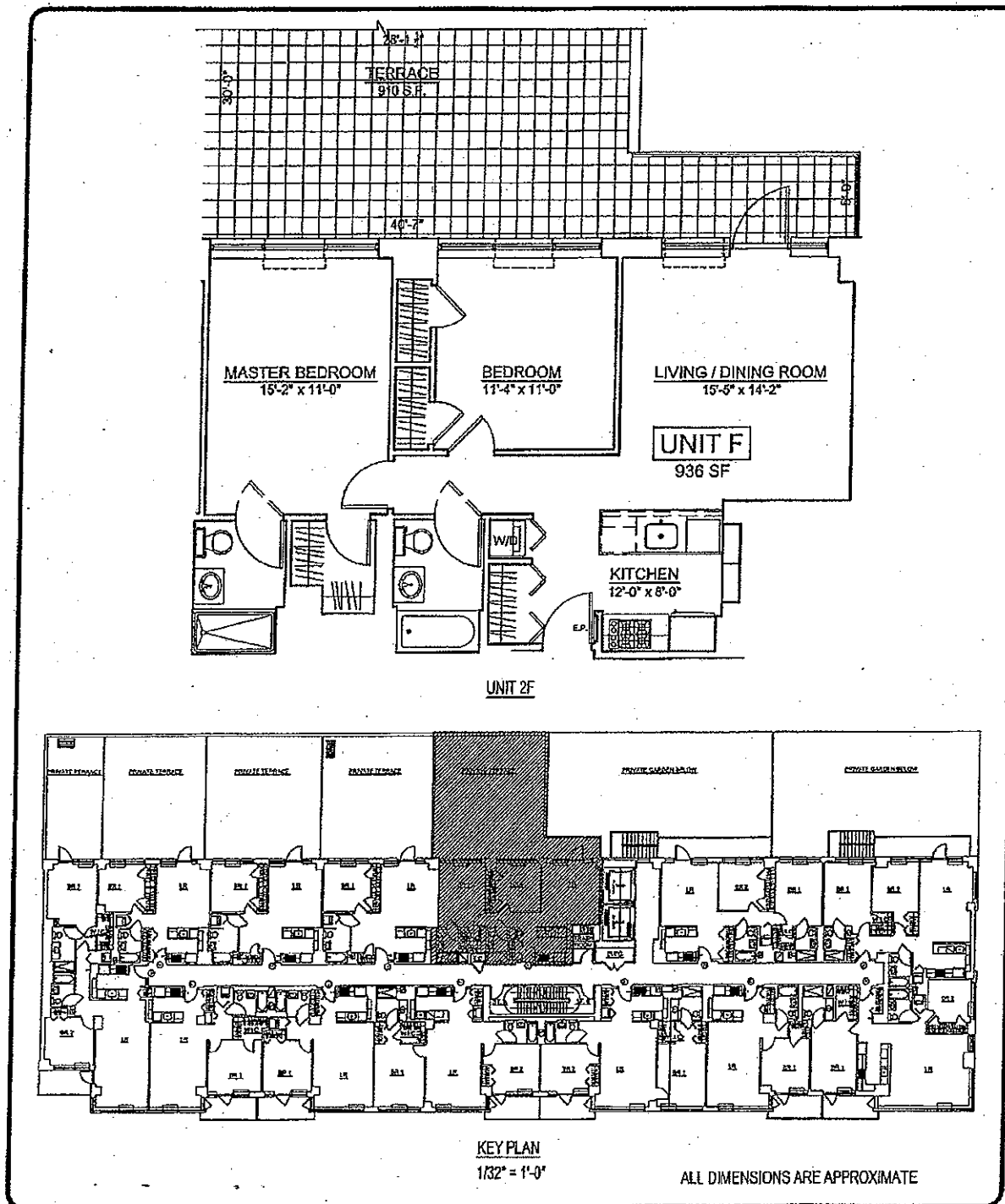


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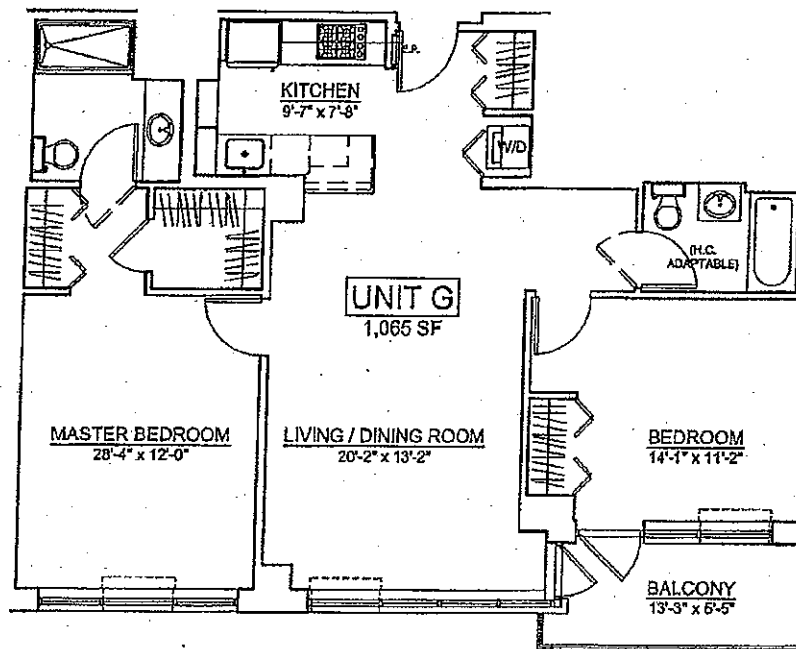
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LONG ISLAND CITY, NEW YORK

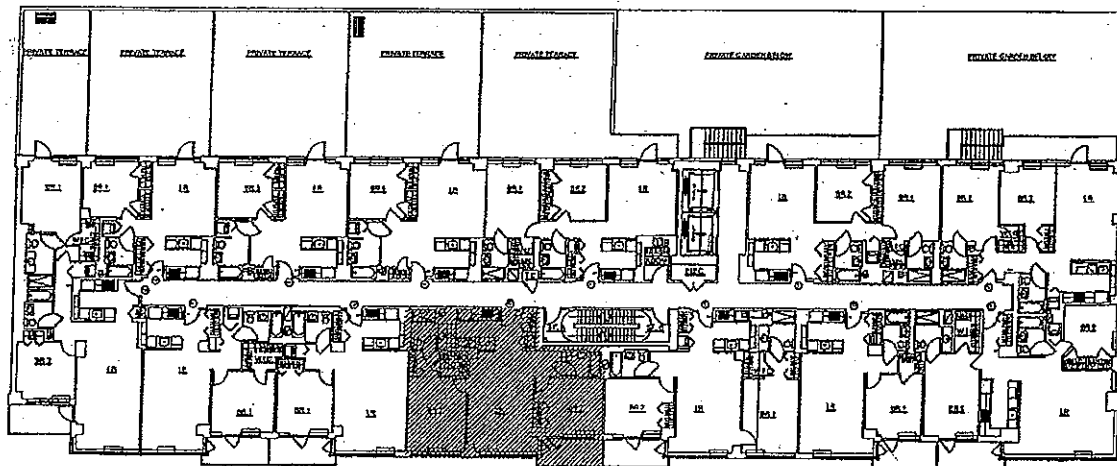


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**UNIT 2G**



ALL DIMENSIONS ARE APPROXIMATE

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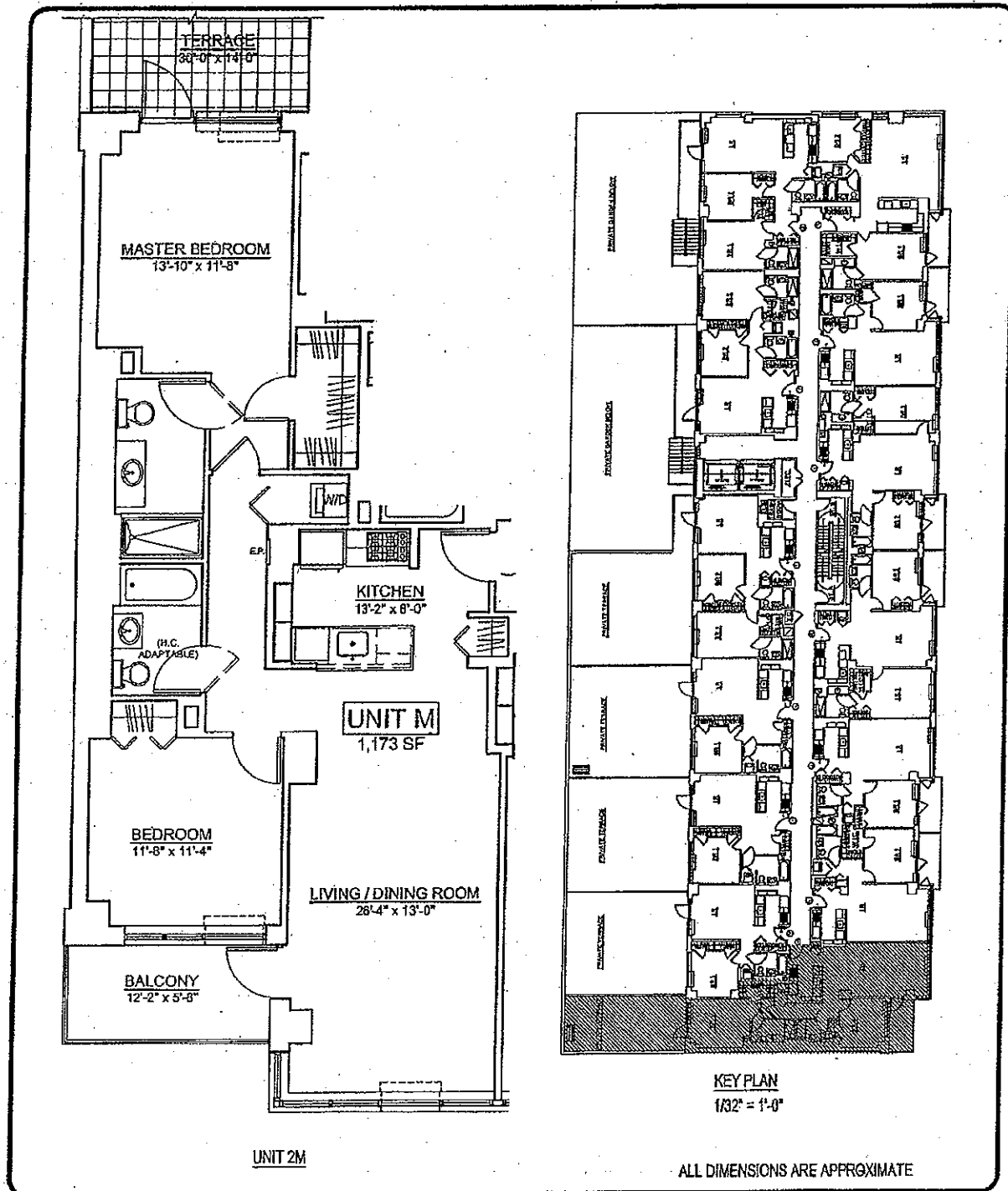
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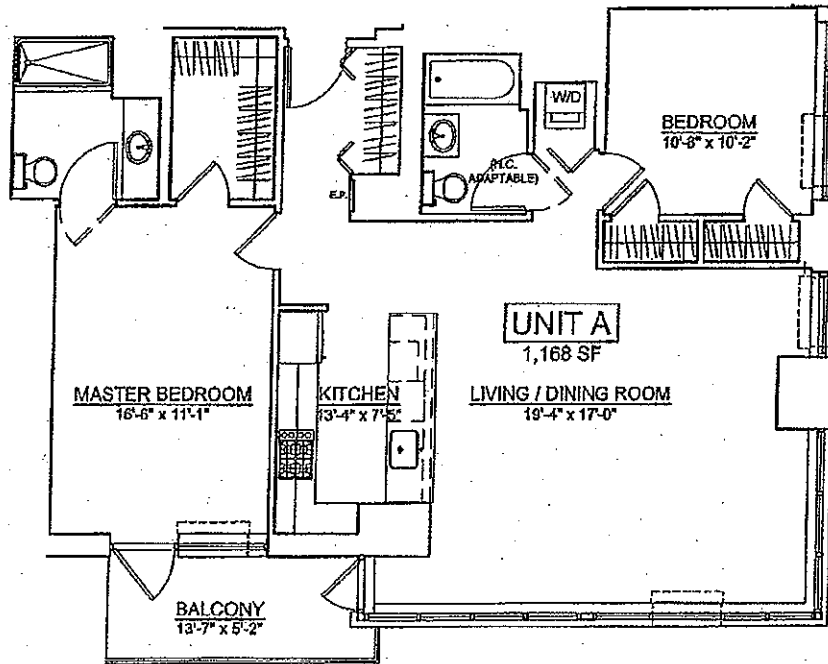
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PROJECT:  
**ONE HUNTERS POINT**  
 5-49 BORDEN AVENUE  
 LONG ISLAND CITY, NEW YORK

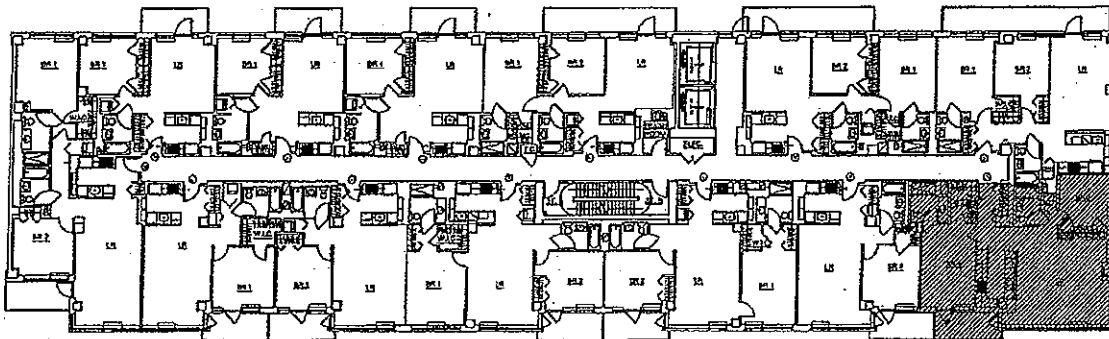


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UNIT 3-8A



KEY PLAN  
1/32" = 1'-0"

ALL DIMENSIONS ARE APPROXIMATE

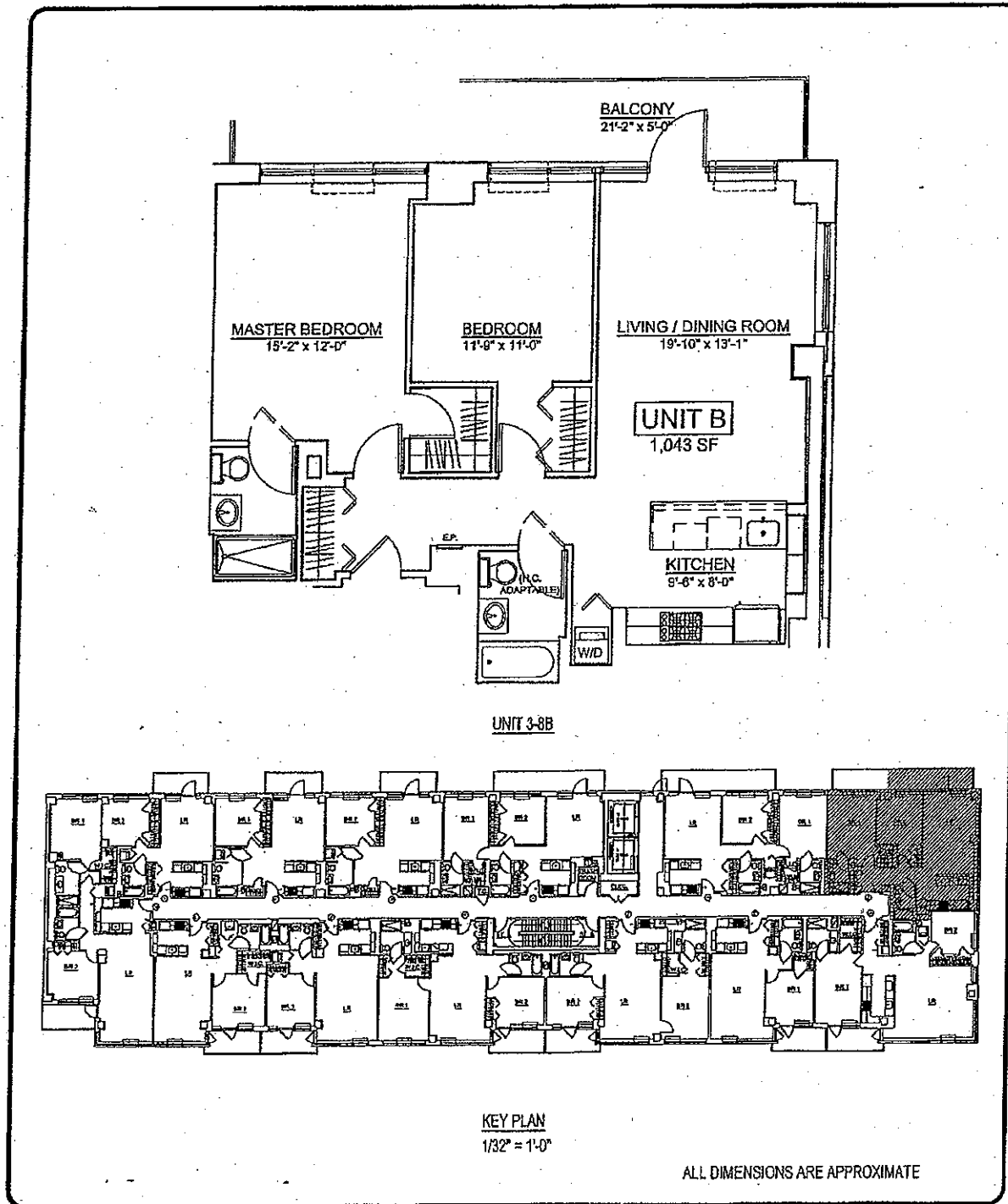
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PROJECT:  
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DATE: 05/08/06  
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**ONE HUNTERS POINT**  
5-49 BORDEN AVENUE  
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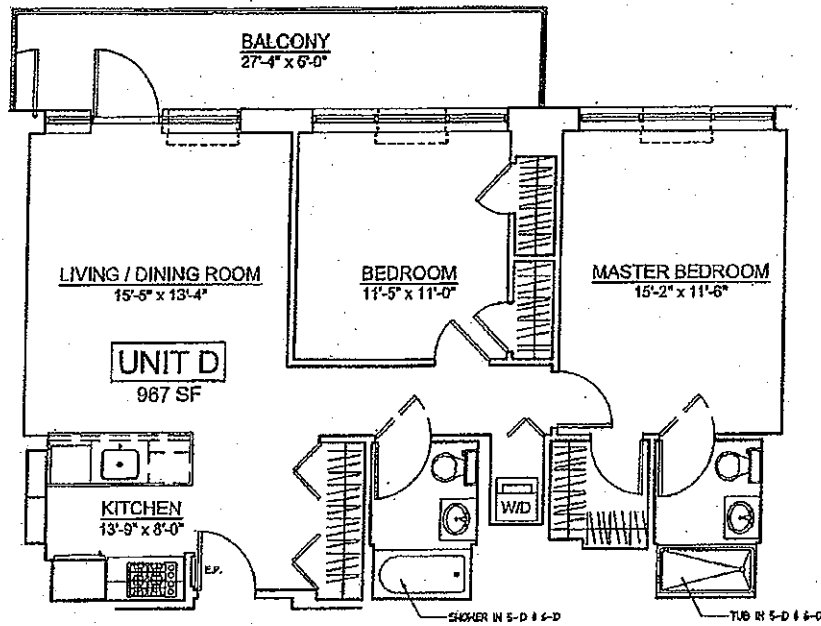
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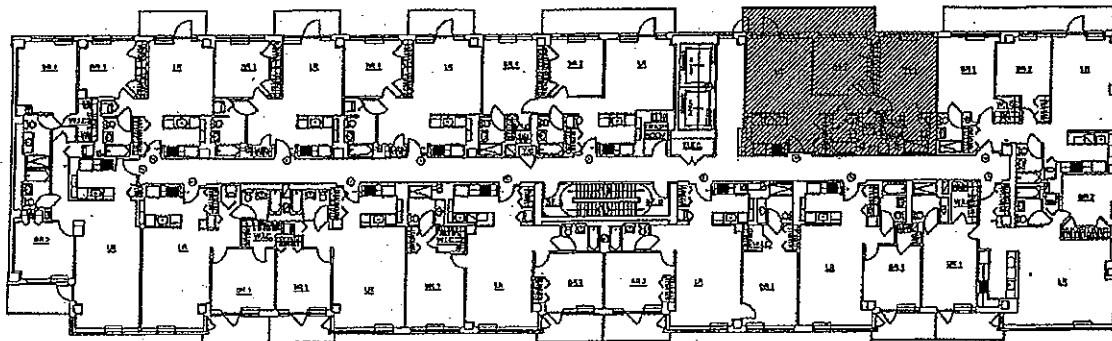
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**UNIT 3-8D**



**KEY PLAN**  
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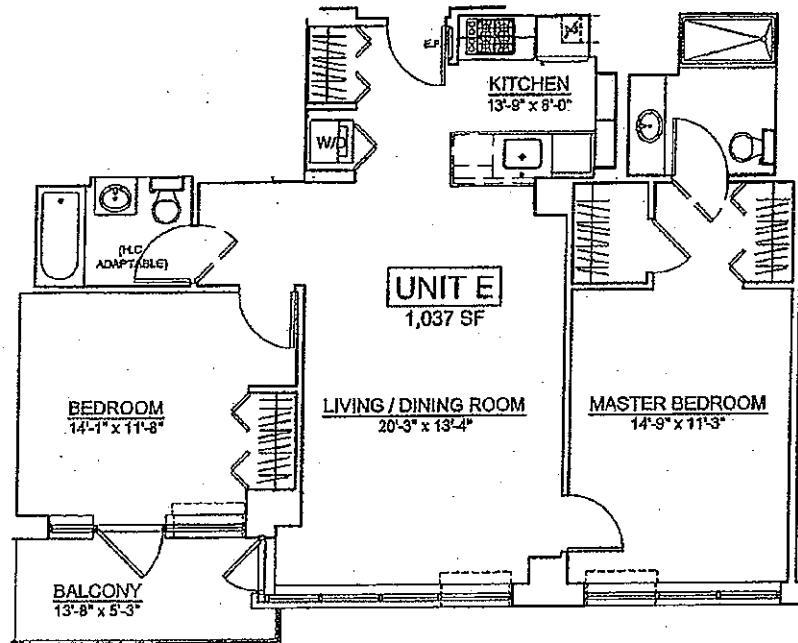
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PROJECT:  
**ONE HUNTERS POINT**  
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LONG ISLAND CITY, NEW YORK

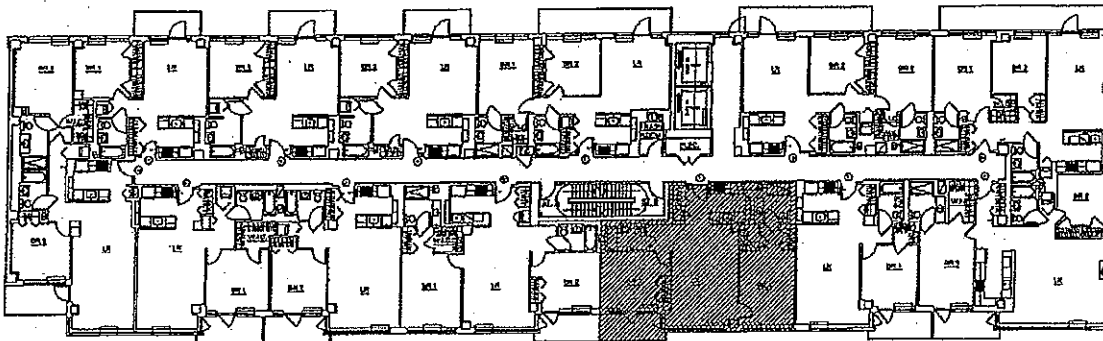


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UNIT 3-8E



**KEY PLAN**  
1/32" = 1'-0"

ALL DIMENSIONS ARE APPROXIMATE

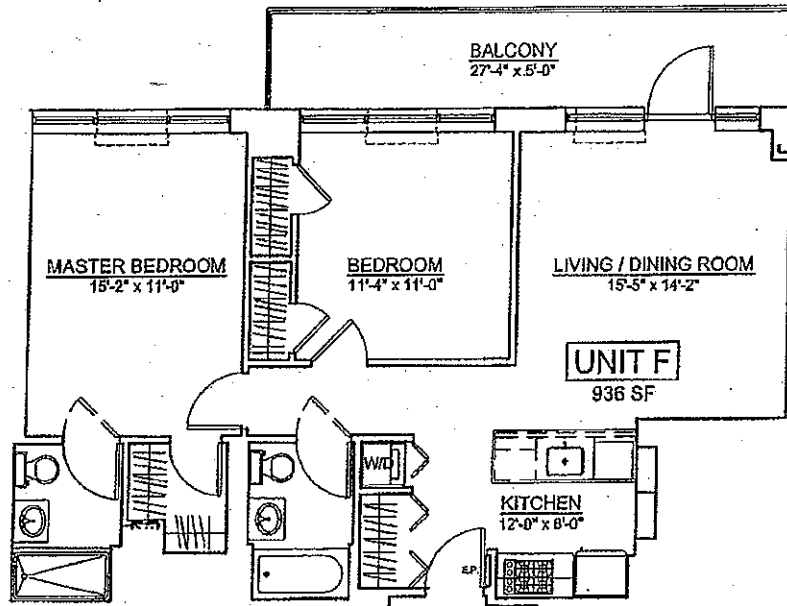
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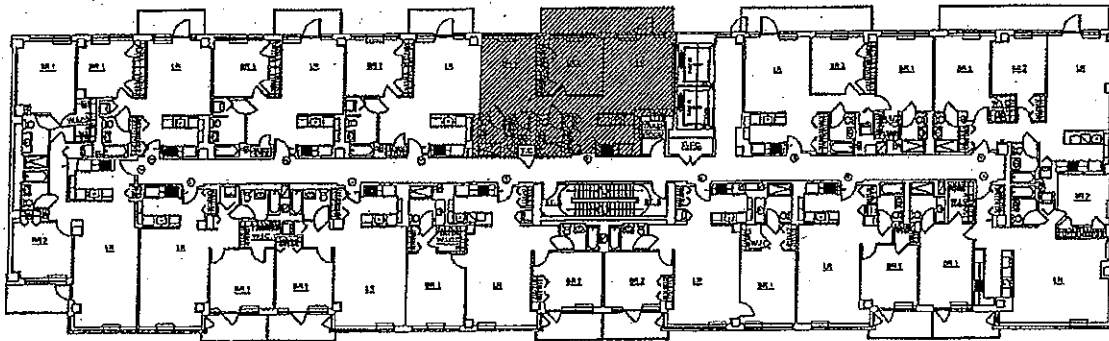


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UNIT 3-8F



KEY PLAN  
1/32" = 1'-0"

ALL DIMENSIONS ARE APPROXIMATE

DATE: 05/08/06  
SCALE: 1/8" = 1'-0"  
DRAWN BY: W. DESSALINES  
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DWG. #: UNIT 3-8F

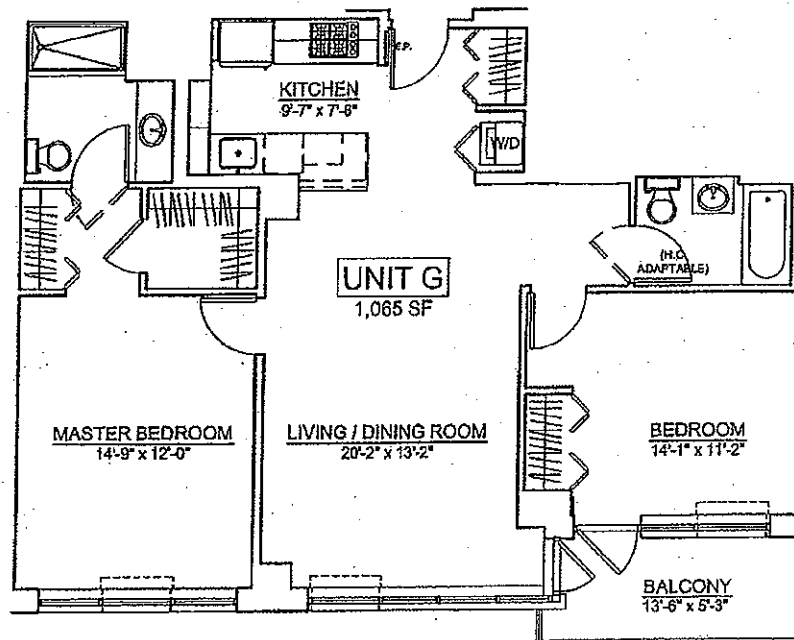
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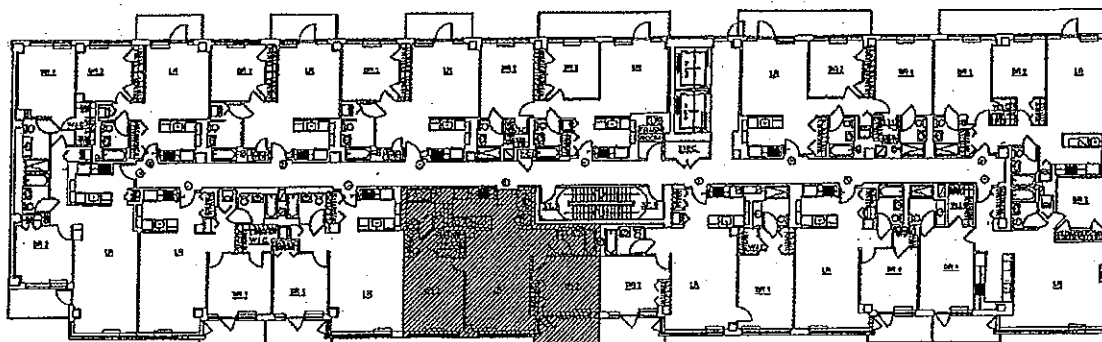
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UNIT 3-8G



ALL DIMENSIONS ARE APPROXIMATE

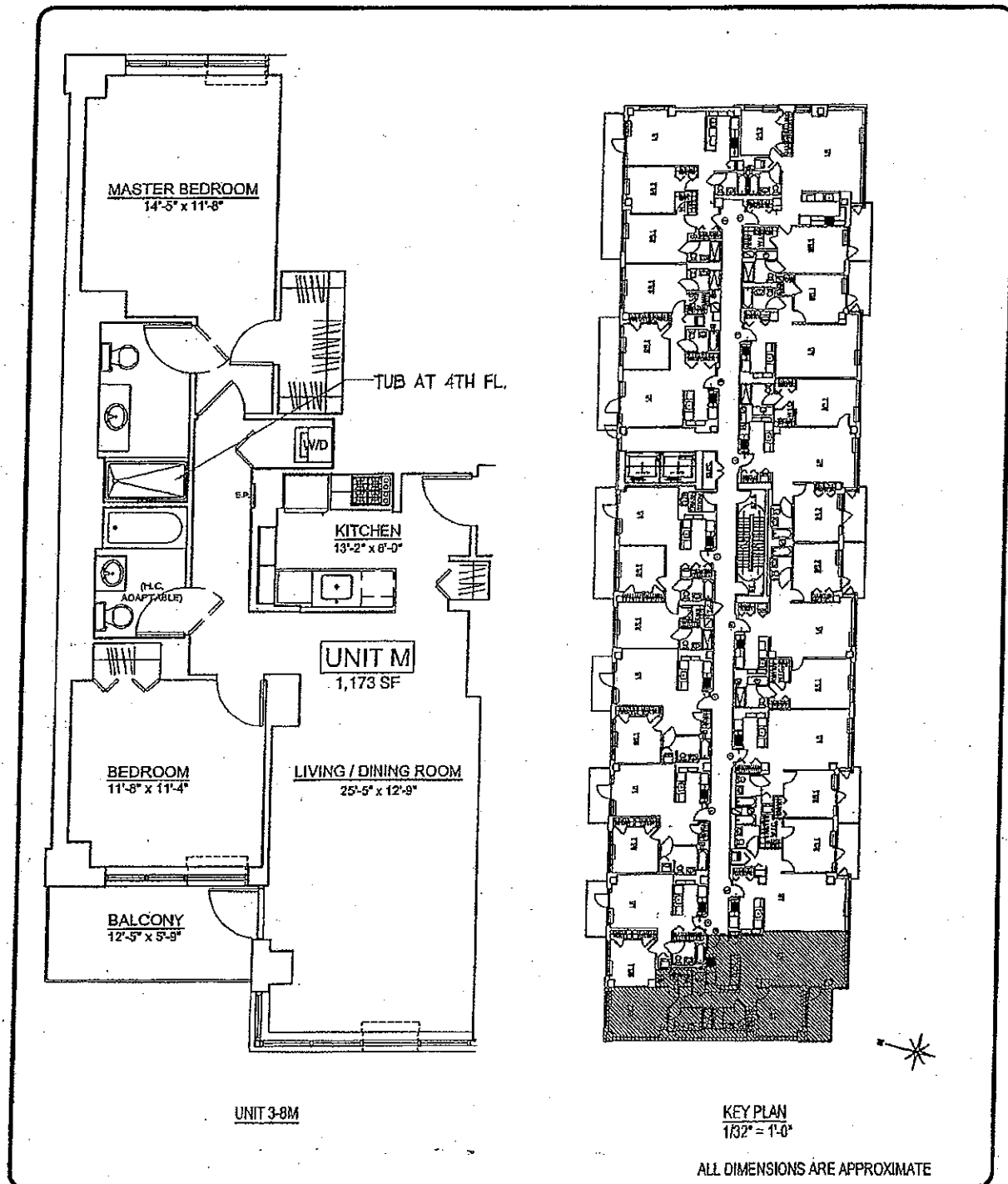
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JOB #: 05-77  
DWG. #: UNIT 3-8G

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DATE: 05/08/06  
SCALE: 1/8" = 1'-0"  
DRAWN BY: W. DESSALINES  
JOB #: 05-77  
DWG. #: UNIT 3-8M

PROJECT:  
**ONE HUNTERS POINT**  
5-49 BORDEN AVENUE  
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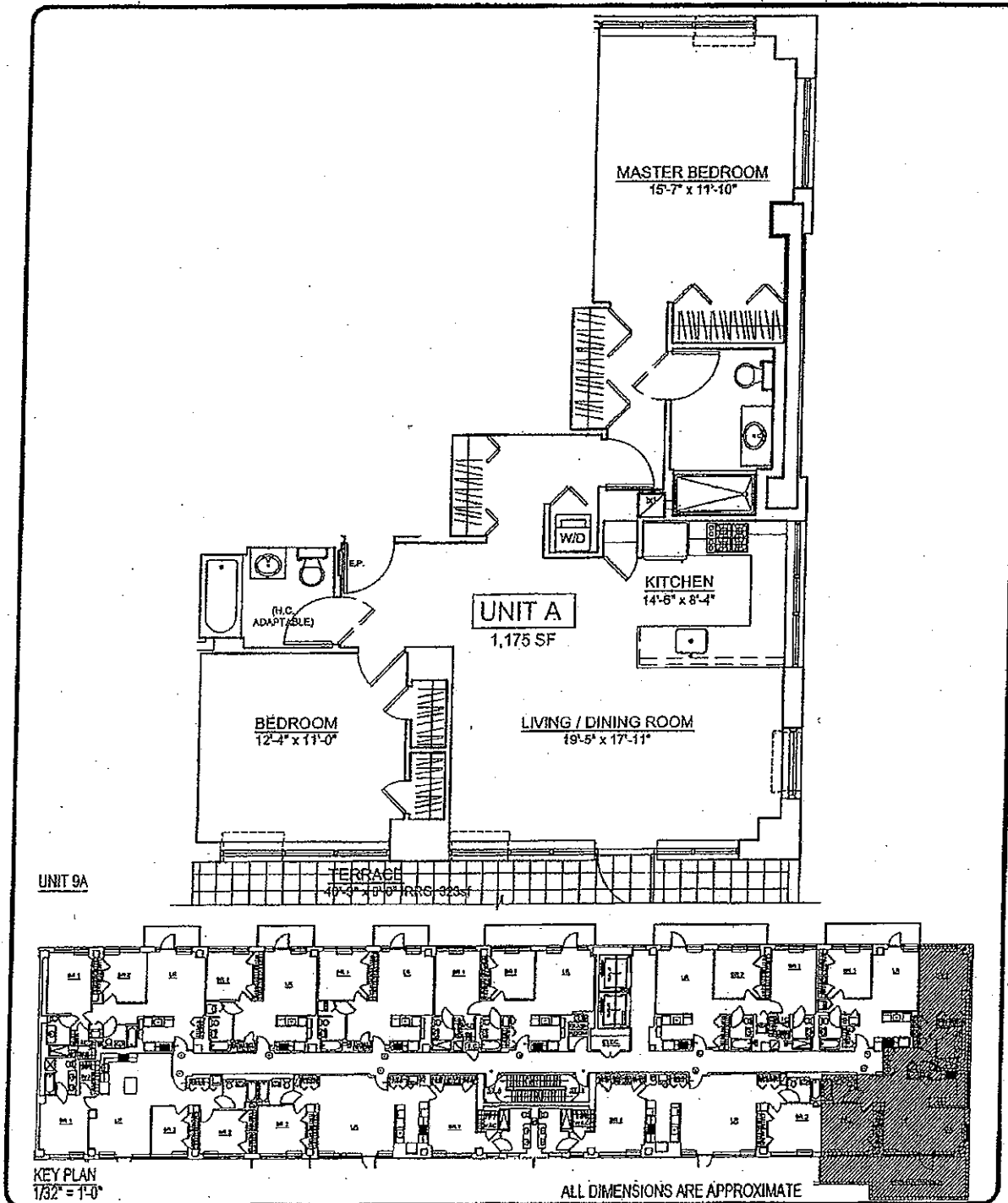
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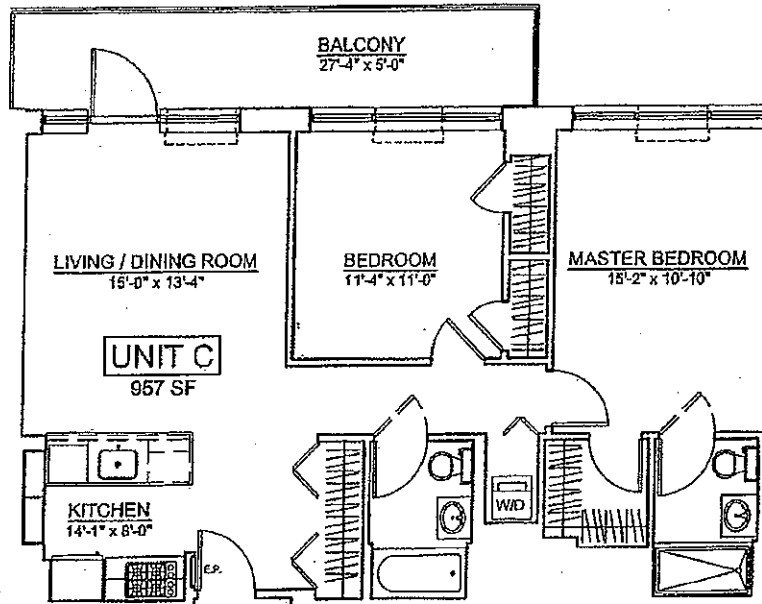
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DRAWN BY: W. DESSALINES  
JOB #: 05-77  
DWG. #: UNIT 9A

PROJECT:  
**ONE HUNTERS POINT**  
5-49 BORDEN AVENUE  
LONG ISLAND CITY, NEW YORK

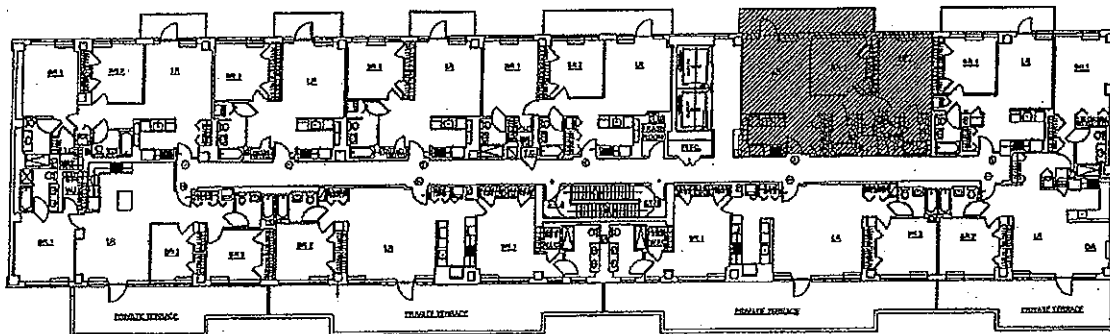


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**UNIT 9C**



ALL DIMENSIONS ARE APPROXIMATE

DATE: 05/08/06  
SCALE: 1/8" = 1'-0"  
DRAWN BY: W. DESSALINES  
JOB #: 05-77  
DWG. #: UNIT 9C

PROJECT:  
**ONE HUNTERS POINT**  
5-49 BORDEN AVENUE  
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**COLD SPRING HILLS, NY 11743**

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**PROJECT:**

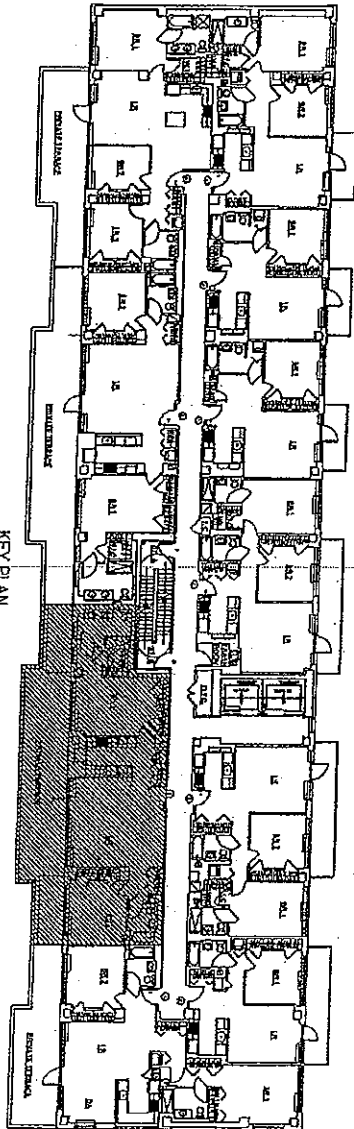
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5-49 BORDEN AVENUE  
LONG ISLAND CITY, NY

DATE:	05/08/08
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DRAWN BY:	W. DESSALINES
JOB #:	05-77
DWG. #:	UNIT 3D

DWG. # UNITS

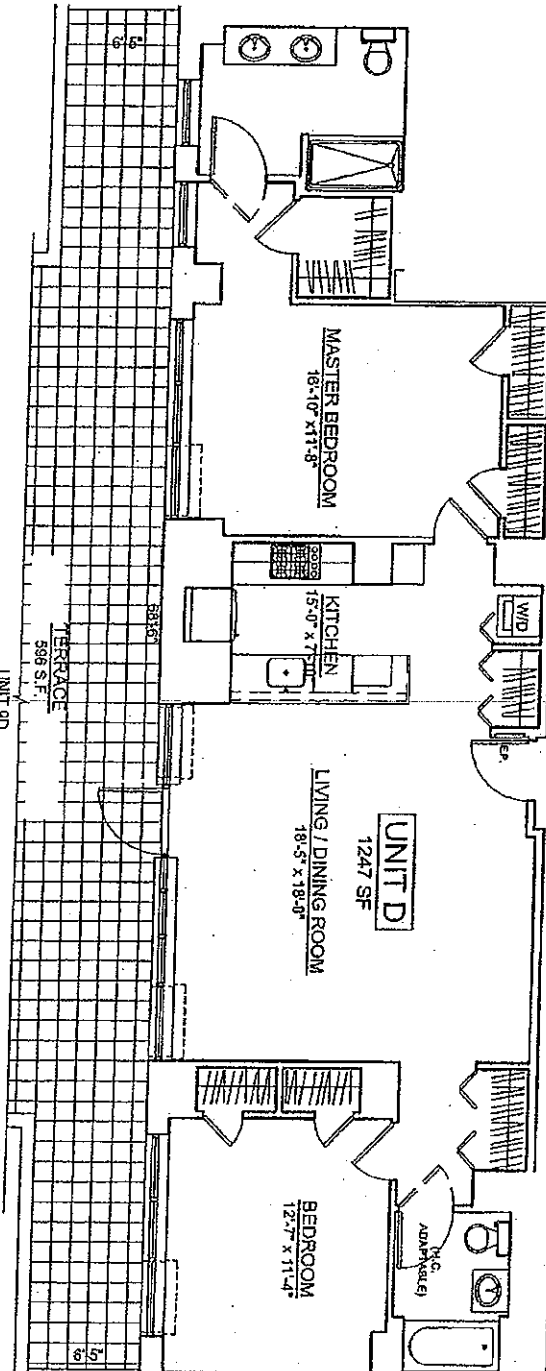
UNIVERSITY

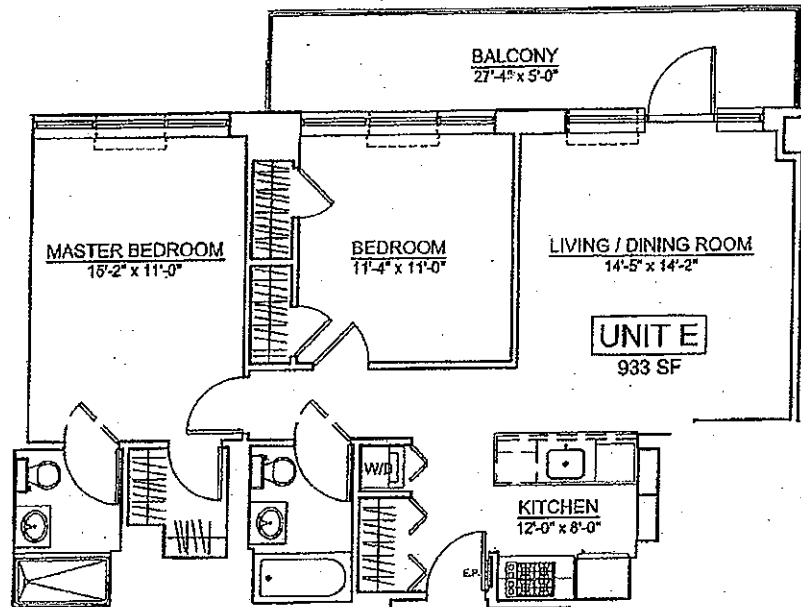
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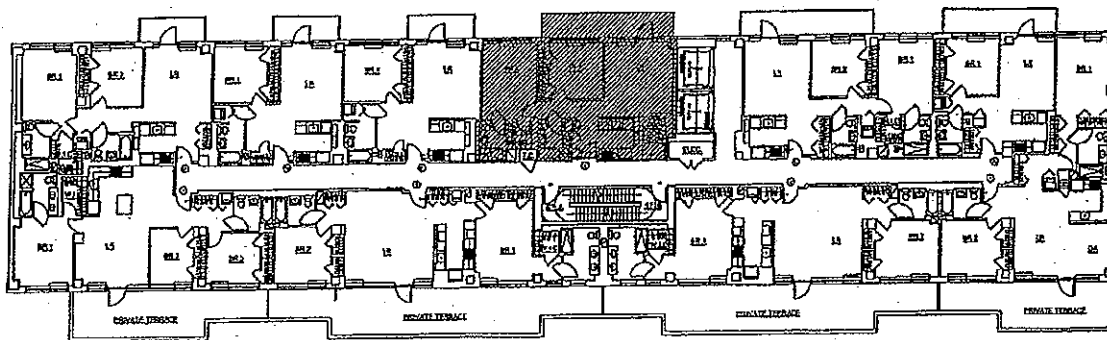
KEY PLAN  
1/32" = 1'-0"

UNIT 8D





UNIT 9E



KEY PLAN  
1/32" = 1'-0"

ALL DIMENSIONS ARE APPROXIMATE

DATE: 05/08/06  
SCALE: 1/8" = 1'-0"  
DRAWN BY: W. DESSALINES  
JOB #: 05-77  
DWG. #: UNIT 9E

PROJECT:  
**ONE HUNTERS POINT**  
5-49 BORDEN AVENUE  
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PROJECT:

**ONE HUNTERS POINT**  
5-49 BORDEN AVENUE  
LONG ISLAND CITY, NY

DATE: 05/09/06

SCALE: 1/8" = 1'-0"

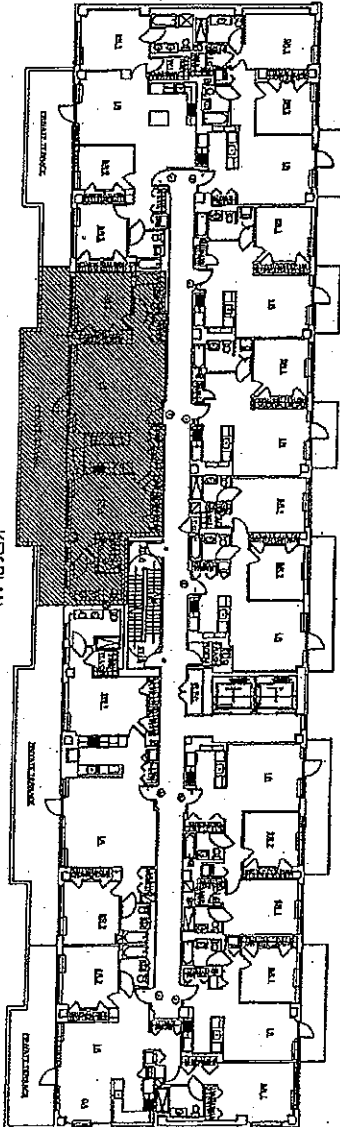
DRAWN BY: W. DESSALINES

JOB #: 05-77

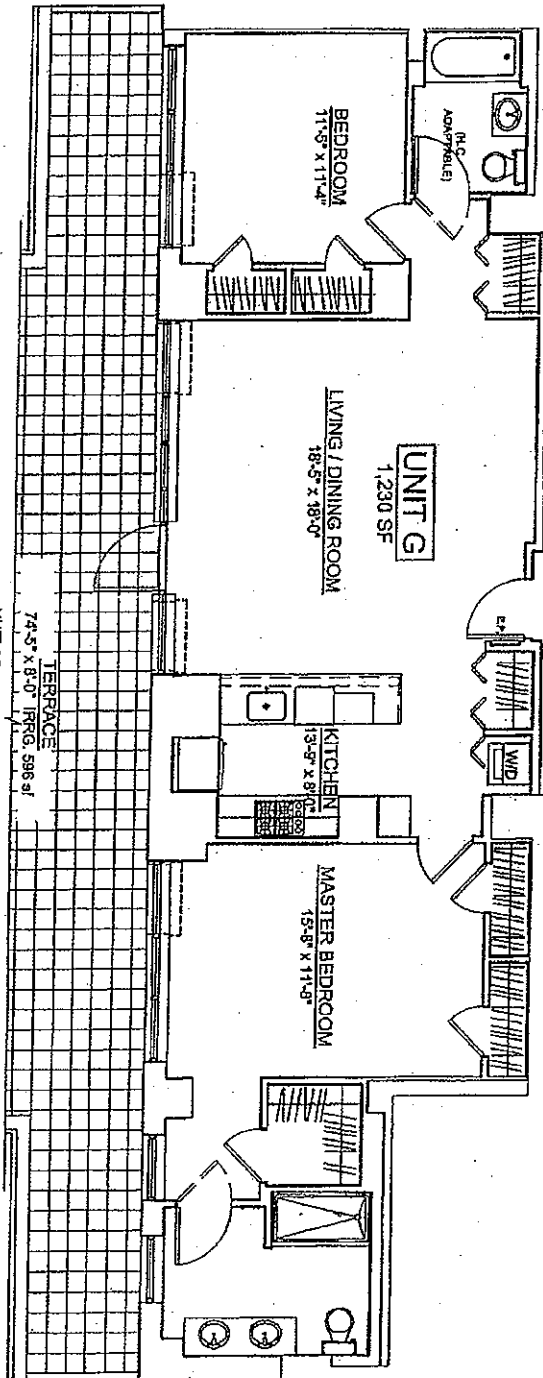
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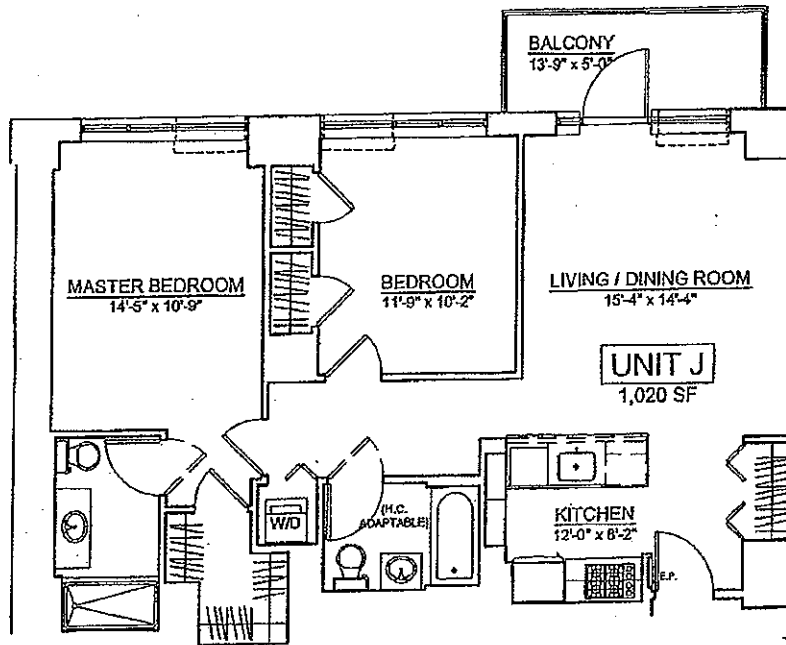
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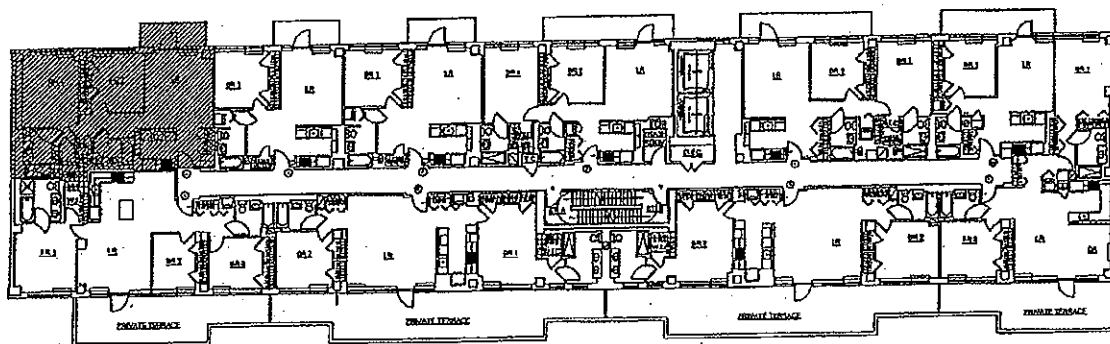


UNIT 9G





UNIT J



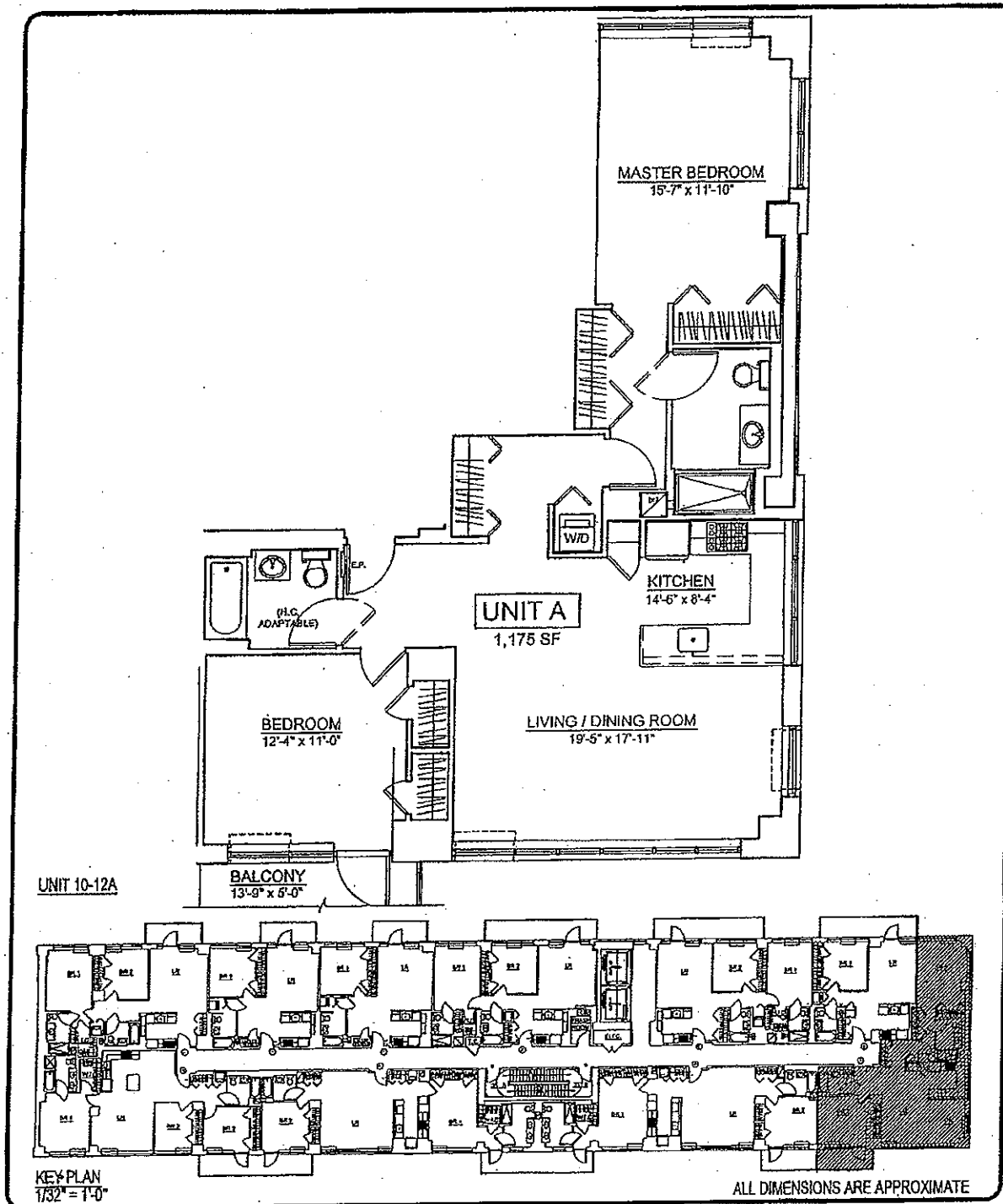
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ALL DIMENSIONS ARE APPROXIMATE

DATE: 06/14/07  
SCALE: 1/8" = 1'-0"  
DRAWN BY: W. DESSALINES  
JOB #: 05-77  
DWG. #: UNIT J

PROJECT:  
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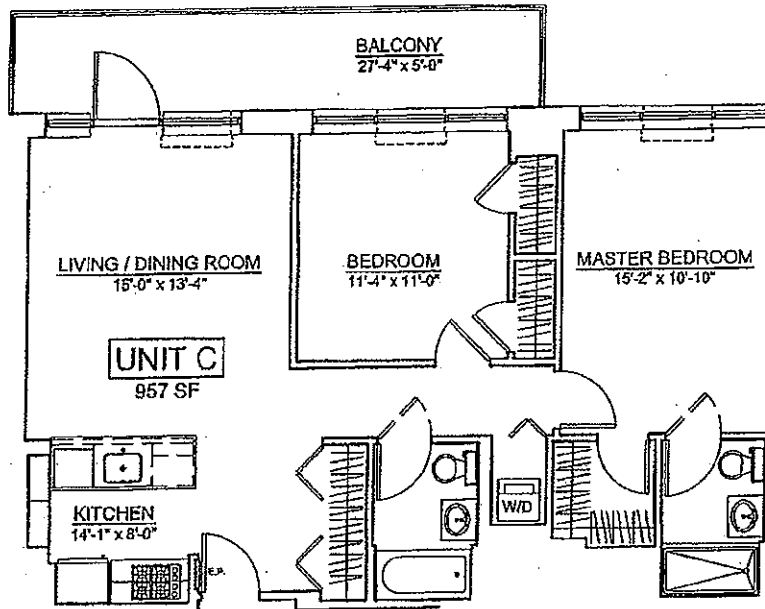
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 DRAWN BY: W. DESSALINES  
 JOB #: 05-77  
 DWG. #: UNIT 10-12A

PROJECT:  
**ONE HUNTERS POINT**  
 5-49 BORDEN AVENUE  
 LONG ISLAND CITY, NEW YORK

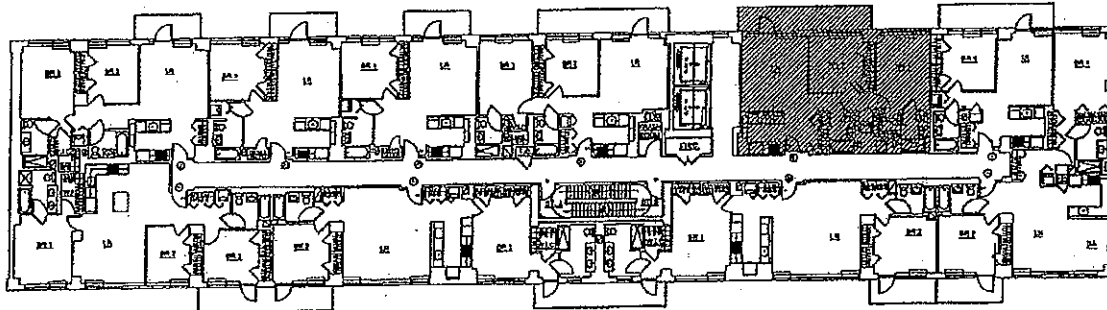


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UNIT 10-12C



KEY PLAN  
1/32" = 1'-0"

ALL DIMENSIONS ARE APPROXIMATE

DATE: 05/08/06  
SCALE: 1/8" = 1'-0"  
DRAWN BY: W. DESSALINES  
JOB #: 05-77  
DWS. #: UNIT 10-12C

PROJECT:  
**ONE HUNTERS POINT**  
5-49 BORDEN AVENUE  
LONG ISLAND CITY, NEW YORK

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PROJECT:

**ONE HUNTERS POINT**  
5-49 BORDEN AVENUE  
LONG ISLAND CITY, NY

DATE: 05/02/06

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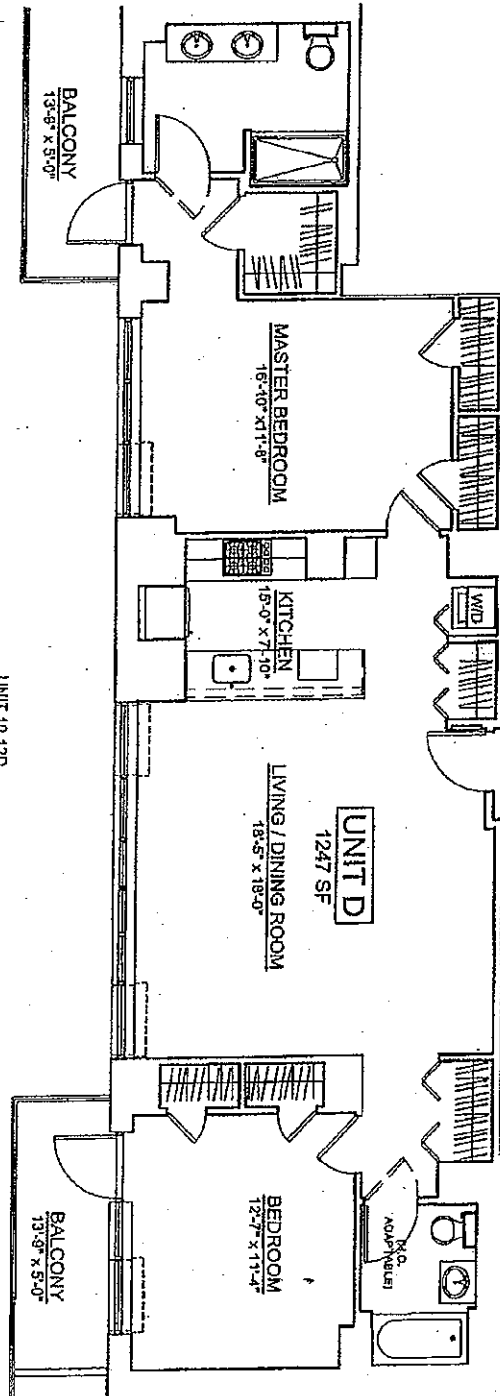
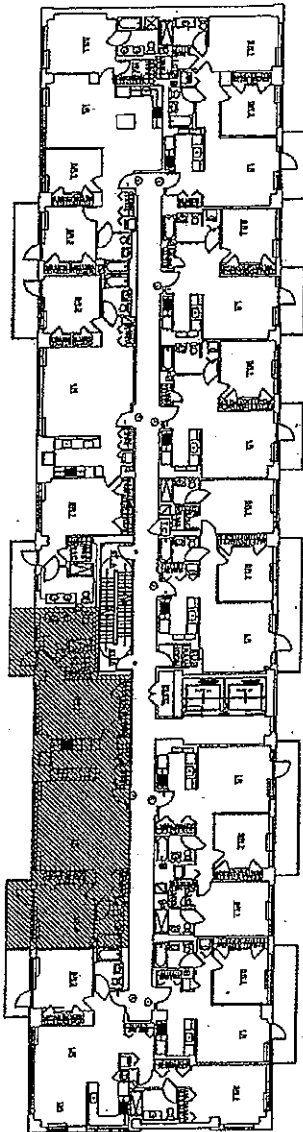
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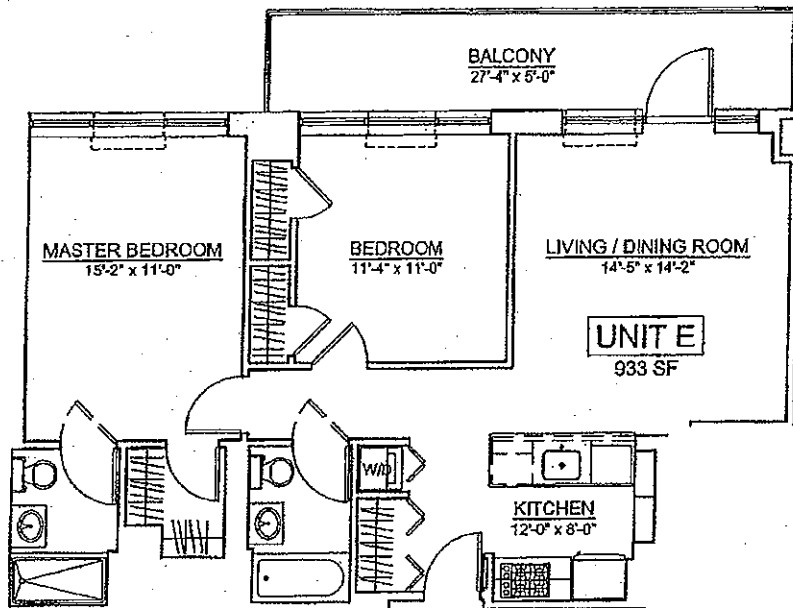
JOB #: 05/77

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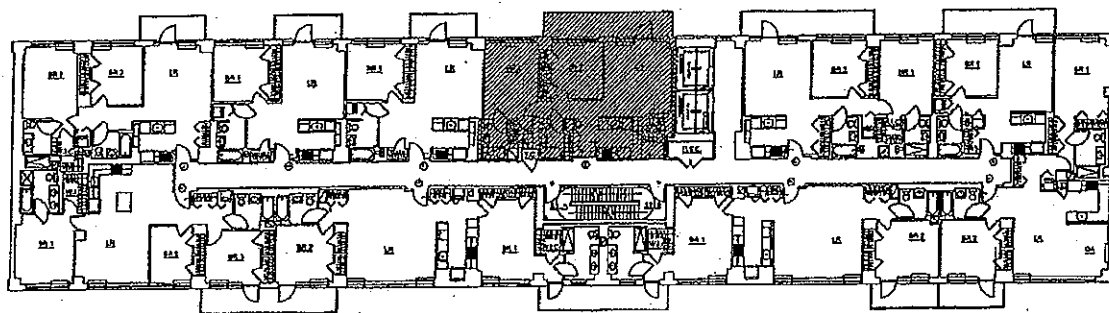
KEY PLAN  
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ALL DIMENSIONS ARE APPROXIMATE





UNIT 10-12E



KEY PLAN  
1/32" = 1'-0"

ALL DIMENSIONS ARE APPROXIMATE

DATE: 05/06/06  
SCALE: 1/8" = 1'-0"  
DRAWN BY: W. DESSALINES  
JOB #: 05-77  
DWG. #: UNIT 10-12E

PROJECT:  
**ONE HUNTERS POINT**  
5-49 BORDEN AVENUE  
LONG ISLAND CITY, NEW YORK



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250 WEST ROGUES PATH  
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COLD SPRING HILLS, NY 11724

PROJECT:

**ONE HUNTERS POINT**  
**549 BORDEN AVENUE**  
**LONG ISLAND CITY, NY**

DATE: 06/08/06

SCALE: 1/8" = 1'-0"

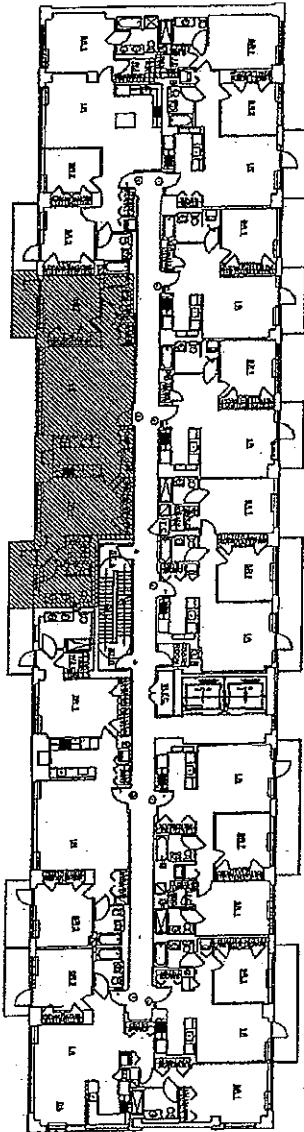
DRAWN BY: W. DESSALINES

JOB #: 05-77

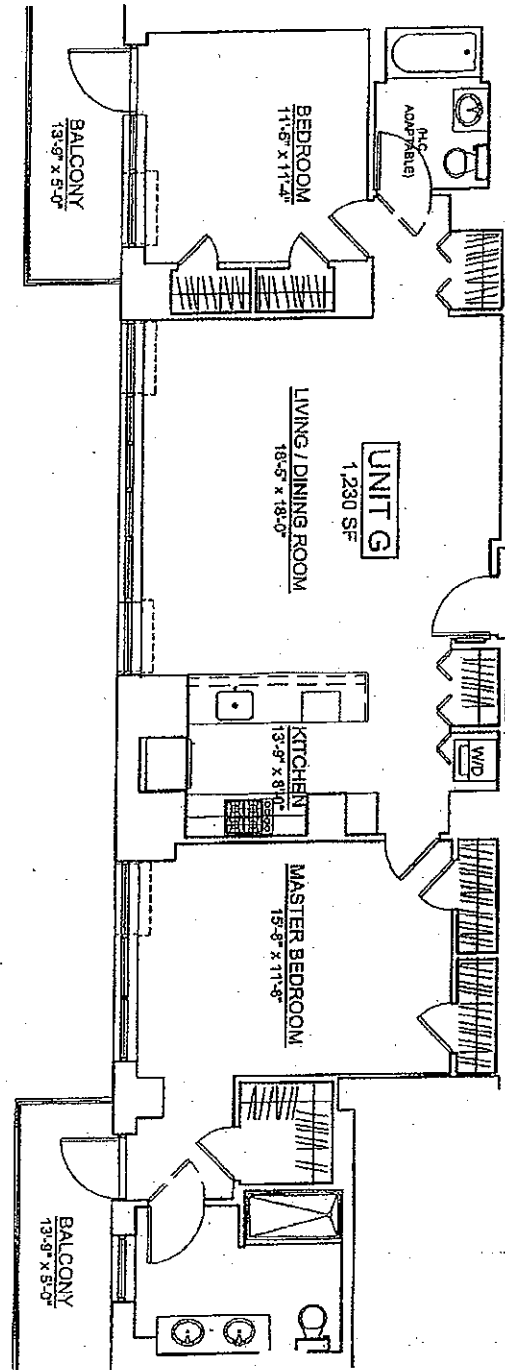
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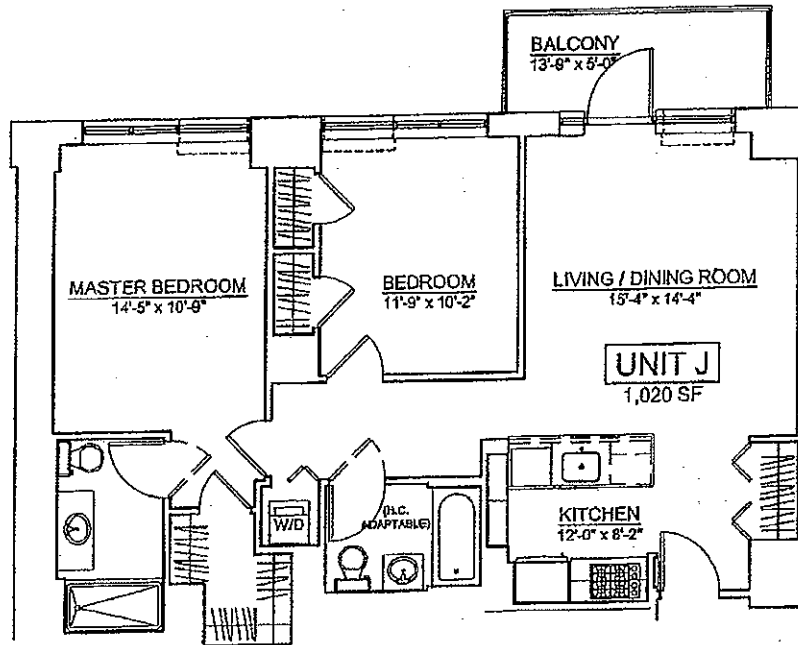
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1/32" = 1'-0"

ALL DIMENSIONS ARE APPROXIMATE

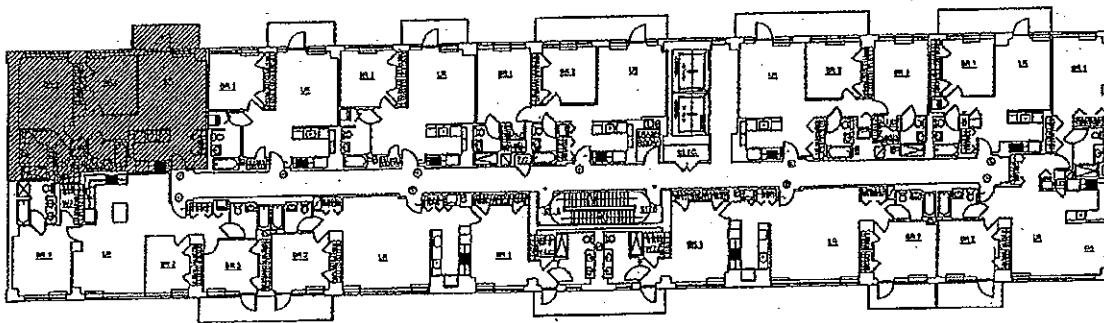


UNIT 10-125





UNIT 10-12J



ALL DIMENSIONS ARE APPROXIMATE

DATE: 08/14/07  
SCALE: 1/8" = 1'-0"  
DRAWN BY: W. DESSALINES  
JOB #: 05-77  
DWG. #: UNIT 10-12J

PROJECT:  
**ONE HUNTERS POINT**  
5-49 BORDEN AVENUE  
LONG ISLAND CITY, NEW YORK



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Exhibit B

Description of the public garden

To the east of the building is a 5,178 square foot public garden.

Due to present zoning and easement requirements, no edifice or permanent facility can be built on this land.

Beyond the east property line is a 65' long x 20' wide out-parcel that houses an advertising billboard.

At the edge of the public garden and within the 5,178 square foot area Con Ed will locate three (3) above ground electrical transformers.

There will be two cast iron manholes visible in the paved area of the public garden, these cover two (2) of the three (3) rainwater detention tanks.

The south property line of the public garden abuts the public sidewalk.

To address these issues the public garden has four (4) principal design features.

- (1) In the area closest to the building, a 1,750 square foot paved area with its principal feature being a fountain with a waterfall.
- (2) To the east of this paved area will be a 1,500 square foot soft surface area (lawn or compacted gravel) in which four (4) trees of ornamental species are set.
- (3) Along the north face of the public garden running a length of 80 feet will be a vine covered trellis with both vertical and horizontal (over head) elements; the principal purpose of which is to block the view of the surface mounted electrical transformer vaults.
- (4) At the eastern most property line of the public garden will be constructed to 4 foot high earthen bermed planting area, retained by a masonry "step wall" with an 18' seating surface at its base.
- (5) 24 foot high Cypress trees (or other species of columnar growth pattern) will be planted in the bermed area.

The 6 foot high wrought iron security fence at the south property line will be faced with evergreen shrubs on the inside face.

Exhibit C

Description of the roof cabanas

Three (3) main elements of the Roof are the brick faced elevator machine room and stair bulkhead, the aluminum screened mechanical equipment spaces and the for sale cabanas.

The roof floor surface is paved with 24 x 24 limestone grey concrete pavers, set on pedestals to provide a flat walking surface elevated above the weathering surface of the building roof.

Roof pavers between cabanas and public circulation spaces will be 12 x 24 charcoal brown concrete pavers, set on pedestals to provide a flat walking surface elevated above the weathering surface of the building roof.

The roof parapet has aluminum and glass handrails 3'-8" above the surface of the roof pavers.

Roof cabanas spaces are separated from each other by 18" high glass fiber planters with perennial shrub plantings.

The enclosure of the cabanas facing the public circulation space of the roof and the entry will be 18" high glass fiber planters with perennial shrub plantings.

Each roof cabana is equipped with one weatherproof duplex electrical receptacle and a gas connection.

Due to winter weather considerations, only one freeze proof water connection is provided, located at the elevator machine room bulkhead.

Lighting to the roof is provided by a combination of floor washing lights ringing the parapet wall and high mounted lights located on the face of the elevator bulkhead, stair bulkhead and mechanical equipment spaces.

Foliage will be watered by building superintendent as part of common charges services.

Exhibit D

LICENSE AGREEMENT

LICENSE AGREEMENT, dated as of \_\_\_\_\_, between ONE HUNTERS POINT CONDOMINIUM having an address at \_\_\_\_\_ ("Licensor") and \_\_\_\_\_, having an address at \_\_\_\_\_ ("Licensee").

WHEREAS, Licensee owns Unit No. \_\_\_\_ (the "Unit") at One Hunters Point Condominium the "Condominium").

WHEREAS, it was contemplated that pursuant to the Condominium Offering Plan for the Condominium, certain space for bicycle storage would be made available to certain unit holders at the Licensor's discretion.

NOW THEREFORE, the parties hereto agree as follows:

1. License. Licensee hereby licenses from Licensor one bicycle rack (the "Rack") located in the space designated as \_\_\_\_\_ (the "Bicycle Area") presently located on the lobby level adjacent to the private garden in the Condominium building. The Rack and reasonable means of ingress and egress to and from the Bicycle Area are hereby collectively referred to as the "Licensed Space." There is no License Fee.

2. Key. Licensor will provide Licensee with one key for the Bicycle Area. An additional charge of \$\_\_\_\_\_ will be charged to Licensee in the event Licensee requests additional keys.

3. Term. (a) Subject to Section 3(b) hereof the term of this License Agreement (the "Term") shall commence on the date hereof (the "Commencement Date") and shall terminate (the "Expiration Date") upon the ninety-ninth (99<sup>th</sup>) anniversary of the Commencement Date.

(b) Notwithstanding Section 3(a) hereof, this License Agreement shall be revocable at the option of Licensor upon three (3) days notice for any reason or no reason, including, without limitation, Licensor's intention to utilize the Bicycle Room for alternative use.

4. Transferability. In the event the Unit is transferred by Licensee, this License Agreement may be assigned by Licensee to the Purchaser of the Unit pursuant to an assignment and assumption agreement acceptable to Licensor. Otherwise, this License Agreement shall not be assigned, sublet or sub-licensed by Licensee without Licensor's prior written consent, and shall automatically terminate at such time as Licensee no longer owns a Unit.

5. Use. The Licensed Space and the Bicycle Area shall be used solely for the storage of bicycles and for no other purposes.

6. Condition of Bicycle Area. Licensee agrees that the Bicycle Area will be licensed in its "as-is" condition, and that Licensor shall have no obligation to perform any work to prepare the Bicycle Area or the Rack for Licensee's use.

7. Security. Licensors shall not be obligated to provide any security for the protection of Licensee's bicycle or with respect to the Bicycle Area. The Bicycle Area shall be unattended and shall be utilized at the Licensee's own risk. Licensors shall not be liable for any injury to persons or property or loss by theft, or otherwise, of any bicycle.

8. Not a Tenant. Licensee agrees that it shall not be deemed a tenant of the Licensed Space pursuant to this License Agreement, and that it has no rights or claims with respect to the Licensed Space except as set forth herein.

9. Notices. All notices hereunder shall be in writing and sent to the parties hereto at their respective addresses set forth in this License Agreement. Notices shall be deemed to have been served and given (i) on the date of hand delivery with receipt acknowledged or (ii) one (1) day after delivery to a reputable overnight courier.

10. Conduct in Licensed Space. (a) Licensee covenants and agrees that it shall not engage in, suffer or permit any act upon the Licensed Space or the Bicycle Area which may subject the Licensors to any liability by reason of any illegal business or conduct or by reason of any violation of law or of any requirement of a governmental or public authority.

(b) At all times during the Term of this License Agreement, Licensee shall keep the Licensed Space in a neat and clean condition to the reasonable satisfaction of Licensors.

11. Indemnification. Licensee shall indemnify and hold Licensors harmless from and against all liabilities, losses, damages, penalties, claims, costs and expenses arising in connection with Licensee's use of the Licensed Space.

12. Amendment. This License Agreement may only be modified or amended by an agreement in writing signed by the parties hereto.

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IN WITNESS WHEREOF, the parties hereto have executed this License Agreement as of the date first above written.

LICENSOR:

ONE HUNTERS POINT CONDOMINIUM

By: \_\_\_\_\_

Name:

Title:

LICENSEE:

\_\_\_\_\_

\_\_\_\_\_

Exhibit E

In-home Safe description

The Sponsor will offer personal, battery operated, safes as a \$750 upgrade. These are the same brand as are installed in leading hotel chains. The Mini Series has been selected, as manufactured by Public Safes. The size of the safes are 9.8" x 13.8" x 9.8". These safes will be secured to the concrete floor in the entry closet.

Exhibit F

Kitchen Upgrade Specifications

- Walnut veneer upgrade = \$2,000.00
- Zebra wood veneer upgrade = \$2,500.00
- One Hunters Point Peninsula upgrade (kitchen type A = units 2 – 8 C, D, E, F, H, J, K, L, N and units 9 – 12 B, C, E, F, H, J, kitchen type C = units 2M – 8M) = \$2,100.00
- One Hunters Point Peninsula upgrade (kitchen type B = units 2B – 8B and units 2G – 8G, kitchen type F = units 9A – 12A) = \$2,500.00
- One Hunters Point Peninsula upgrade (kitchen type E = units 2A – 8A and units 9D – 12D and units 9G – 12G) = \$2,750.00

Exhibit G

Description of Property and Specifications dated March 26, 2007



ARCHITECTURE • URBAN PLANNING • ENGINEERING

March 26, 2007

## DESCRIPTION OF PROPERTY AND SPECIFICATIONS

5-49 BORDEN AVENUE  
LONG ISLAND CITY, N.Y.

### a. Location and Use of Property

- (1) Address: This building is to be constructed on 0.59 acres of land on the Northwest Corner of Borden Avenue & Vernon Blvd in Long Island City, Queens County, New York. Actual address is 5-49 Borden Avenue, Long Island City, NY 11101.
- (2) Block and Lot: block 12, Previous lots 2, 3, 5-13, which have all been merged into new Lot 12. The development rights from the adjacent lot 1 are included in this project. Lot 1 to remain undeveloped.
- (3) Zoning: The property is within the Long Island City special use district and lies within the M1-5/R7X which allows multiple dwellings and commercial structures up to 125 feet tall.
- (4) Permissible use: This zone allows the construction of a multi-story multiple dwelling.

### b. Status of Construction

- (1) Year built: Foundation construction was started December 18<sup>th</sup>, 2006
- (2) Classification of construction: Construction classification shall be Type 1 (Fire resistive.)
- (3) Certificate of Occupancy: Is expected to be issued upon completion of project which is projected for April 2008.
- (4) Permit: New York City Department of Buildings issued New Building permit 402115661-01-NB dated December 15, 2006 based on plans prepared by Alayo Architects. A post approval amendment was filed by Newman Design group modifying the structure, window wall and mechanical systems as describe in this report.

### c. Site

- (1) Size: The site is 0.59 acres.
- (2) Number of buildings: There will be one building on the site.
- (3) Streets owned or maintained by the project: There are no streets owned or maintained by the project.
  - (i) Paving (material and condition): N/A
  - (ii) Curbing (material and condition): N/A
  - (iii) Catch basins, drainage (location and condition): N/A
  - (iv) Street lighting (material, type location and condition): N/A
  - (v) Conformity with local fire district, town or municipal building codes: N/A



(4) Drives, sidewalks and ramps:

- (i) Paving (material and condition): New 4" concrete walks are to be installed along Borden Avenue.
- (ii) Curbing (material and condition): New 6" x 18" steel faced concrete curbs are to be installed along Borden Avenue.
- (iii) Catch basins, drainage (location and condition): There will be three (3) catch basins in the parking lot and two (2) yard drains in the lawn areas for storm drainage connected to the city sewer system.
- (iv) Street lighting (material, type, location and condition): There are two (2) pole mounted street lights on Borden Avenue. Wall mounted lights together with the pole lights provide adequate site lighting, along Borden Avenue.
- (v) State whether these items are in conformity with local fire district, town or municipal building codes: There is a total of 25 parking spaces. The driveways, curbs and ramps are in conformance with New York City Code.

d. Utilities

Water service is provided by the City of New York. Sanitary Sewer is provided by the City of New York. Gas and electric will be provided by Con Edison and are available on Borden Avenue and Vernon Avenue. Electric will be provided from Vernon Avenue with Con Ed underground transformers located within the garden. Electric for each unit will be individually metered, with all other utilities part of the common charges.

e. Sub-Soil Conditions

In general, the borings indicate that the surface layers consist of fill, sand and silt above gneiss rock which is approximately 40' deep. Ground water is approximately 14' deep.

- (1) Whether uneven foundation movement or settling has occurred (cracking, mortar joint decay, etc.): N/A
- (2) Whether there is any evidence of moisture or seepage or round water infiltration and, if so, whether corrective action is needed: N/A
- (3) Whether there is any danger from flooding, either due to water table in area or overflow from other bodies of water. Note potential for mudslides or erosion and what preventative action is appropriate: N/A
- (4) It should be noted that the Triboro Bridge and Tunnel Authority have an easement across the Southeast portion of the property for below grade access to the Queens Midtown Tunnel. The foundations as designed and as approved by the TBTA cantilever over this easement for access by the TBTA in the event that they have to repair the tunnel. In addition, a city sewer is located at the southeast corner of the property, in the garden area, for which an easement has been granted to NYC DEP in the event repairs have to be made to this pipe.





**f. Landscaping and Enclosures**

*There will be a landscaped garden at the east end of the property. The street landscaping will include six (6) American Linden street trees per NYC Parks Department.*

- (1) Grass cover: *Lawn areas to be topsoil and seeded.*
- (2) Planting (type, location): *Perennials and Boxwood hedges in garden.*
- (3) Trees (location): *Six (6) American Linden street trees.*
- (4) Fencing (type, location): *Six (6) foot high walls will surround the garden constructed of steel posts and "trex" or equal horizontal battens.*
- (5) Gates (type, location): *There are no gates to garden, access is through the lobby.*
- (6) Garden walls (type, location): *N/A.*
- (7) Retaining walls (type, location): *N/A.*
- (8) Display pools and fountains (locations, materials): *N/A.*

**g. Building Size**

- (1) Total height (approximate total feet from ground level to highest part of roof): *Total height from ground level to roof is 125 feet.*
- (2) Crawl spaces (floor to ceiling height): *There are no crawl spaces.*
- (3) Number of sub-cellars and cellars: *There are no cellar spaces.*
- (4) Number of floors (actual including penthouses): *The building is twelve (12) stories plus an elevator and stair bulkhead.*
- (5) Equipment rooms (location and use): *The electric room, water meter & pump room are located on the first floor.*
- (6) Parapet (height above roof): *The roof parapet and glass railings will be three feet six inches above the roof.*

**h. Structural System**

- (1) Exterior of building
  - (i) Walls: List materials, type of construction, method of construction. For New York City buildings, if Local Law 10 is inapplicable, so state. If such inspection is required, but not performed, specify as a violation. If insulated, describe material, type, size, and insulating value where available: *Walls will be face brick with concrete block back-up. The exterior walls will have R-13 fiberglass batt insulation with a vapor retarder facing and gypsum board interiors. The "R" value of the wall system is 17.6. Feature panels will be E.I.F.S. on block or concrete.*
  - (ii) Windows: Specify type and materials in all parts of the building including sills, screens, window guards, lintels, storm, sash, hardware, single or double glazing and caulking. Indicate whether lot line windows exist and describe any potential future problems: *Windows will be aluminum insulated hopper windows with 1" insulated glass, with aluminum window sills, completely caulked to brick. The windows will have an STC rating of 42. The windows will have stops which limit opening the windows to 4 inches in accordance with the NYC Department of Health regulations. If these limit arms are disabled, the unit owner is required to install child guards on these windows. There are no window guards or screws provided. There are no lot line windows.*



- (iii) Landmark status: State whether building has landmark status and discuss consequences: N/A
- (2) Parapets and copings: Parapets are brick and block with aluminum copings.
- (3) Chimneys and caps: There are no chimneys.
- (4) Balconies and terrace: The balconies will be poured concrete with Neoguard waterproofing and AVCON thermoplastic and glass rails. The roof terraces will receive 4" rigid insulation, a modified Bitumen roof and concrete pavers over the roofing. The main roof terraces will be divided by six (6) foot high galvanized chain link fence.. No additional structures can be built on the roof since the roof is at the maximum allowable building height.
- (i) Deck and finish (material): Concrete with neoguard deck waterproofing for balconies, 24" x 24" concrete pavers on roof terraces.
- (ii) Balustrade (type, material): AVCON thermoplastic.
- (iii) Railings (material): AVCON thermoplastic with 3/8" tempered glass.
- (iv) Copings (material): Aluminum.
- (v) Soffits (material): N/A
- (vi) Doors to balconies and terraces (type, material): Aluminum hinged doors with insulated glass matching the windows.
- (5) Exterior entrances
- (i) Exterior doors and frames (material, type, lock): Lobby entrances are to be aluminum & glass entrance doors with matching frames & sidelights. Vestibule doors & frames will match the exterior doors. Other exterior doors to be hollow metal and frames all with cylindrical locks.
- (ii) Vestibule doors and frames (material, type, lock): Entrance doors will have electronic latches tied into the intercom system.
- (iii) Exterior stairs (material, location): N/A
- (iv) Railings (material, location): N/A
- (v) Mail boxes (type, location): Wall mounted mailboxes will be aluminum and will be located in the lobby.
- (vi) Lighting (type, location): Wall mounted decorative fixtures will provide exterior entrance lighting.
- (6) Service entrance: The compactor room is a separate area with a hollow metal door & frame with cylindrical lock. Roof doors from stair bulkheads and elevator machine room will be hollow metal doors & frames with cylindrical locks and weather-stripping.
- (i) Doors and frames (material, type, lock): There is a service entrance into the garage with hollow metal door and frame with cylindrical lock.
- (ii) Gates (material, type, lock): N/A
- (iii) Exterior stairs (material, location): N/A
- (iv) Railings (material, location): N/A
- (7) Roof and roof structures: All will be constructed of brick and block similar to the main building.
- (i) Type roofs for all areas
- (a) Material: The roof will be a modified bitumen system applied over 4" rigid insulation.



- (b) Insulation: 4" of rigid insulation will be installed between the roof and the concrete structure. The insulation shall have an "R" value of 30.
  - (c) Surface finish: 24" x 24" Concrete roof pavers.
  - (d) Bond or guarantee: It will have a manufacturer's fifteen (15) year guarantee.
  - (e) Flashing materials including counter flashing: All flashings to be aluminum.
  - (ii) Drains
    - (a) Location, material and type: There will be seven (7) 4" cast iron roof drains located at the low points of the main roof, six (6) at the 2<sup>nd</sup> floor terraces and four (4) at the ninth floor terrace.
    - (b) Gutter and leaders (type, material): There are no gutters or leaders except at the stair and elevator bulkheads.
  - (iii) Skylights (location, type, material): There are no skylights.
  - (iv) Bulkheads:
    - (a) Stairs (material): Cast in place concrete.
    - (b) Elevator (material): There will be one (1) stair bulkhead and one elevator/ stair bulkhead constructed of brick and block.
    - (c) Other:
  - (v) Metal work at roof levels:
    - (a) Exterior, metal stairs (material): N/A
    - (b) Vertical ladders, including gooseneck (material): N/A
    - (c) Railings (material): AVCON thermoplastic and glass.
    - (d) Hatches to roof (type, material): N/A
    - (e) Other:
  - (vi) Rooftop facilities: Domestic hot water heater.
- (8) Fire escapes: There are no fire escapes. All fire exits are through two enclosed fire stairs within the building.
- (i) Location (describe at each floor and specify any unusual access situations): N/A
  - (ii) Floors covered: N/A
  - (iii) Drop ladder: N/A
  - (iv) Type: N/A
  - (v) Materials: N/A
- (9) Yard and courts: There is a street level garden to the east of the building.
- (i) Paving (material): Brick pavers.
  - (ii) Drainage: Two (2) yard drains.
  - (iii) Railing: N/A
  - (iv) Stairs: N/A
  - (v) Fencing: Six (6) foot high "trex" or equal horizontal battens on steel posts.
  - (vi) Walls: N/A.



- (10) Interior stairs: Railings to be steel pipe rails.
- (i) Number of stairs of each type: There are two main stairs within the building; both extending from the roof to the 1<sup>st</sup> floor.
  - (ii) Enclosure (construction and interior finishes): All the stair enclosures are to be painted concrete block.
  - (iii) Stair construction: Stairs to be poured in place concrete.
  - (iv) Stringers (material): N/A
  - (v) Treads (material): Concrete
  - (vi) Risers (material): Concrete
  - (vii) Guard rails (material): Steel pipe rails (1 1/2 dia.)
  - (viii) Balustrade (materials): Vertical square steel tube
- (11) Interior doors and frames:
- (i) Unit entrance and interior doors and frames: All interior common area doors and service doors to be fire rated hollow metal doors and frames. Doors inside apartments to be 1 3/8" solid core wood doors with wood frames. Closet doors to be 1 3/8" solid core or 1" solid bi folding with top track, no frames. Unit entrance doors to be 1 3/4" fire rated solid core wood doors with H.M. frames. All fire rated doors & frames to be "B" label, 1 1/2 hour rated units.
  - (ii) Corridor doors and frames: Hollow metal doors and frames
  - (iii) Stair hall doors frames: Hollow metal doors and frames
  - (iv) Roof door, basement doors and frames: Hollow metal doors and frames
- (12) Elevators:
- (i) Number of passenger and service elevators: Elevator can accommodate 16 people. There are to be two (2) elevators.
  - (ii) Manufacturer, age of each and capacity (in pounds and number of passengers): The elevators will be Otis "Gen 2" or equal 2500 lb. capacity belt driven units with hi efficiency 7.5 HP A.C. motors. The elevators will have a speed of 350 F.P.M. servicing all floors and the roof.
  - (iii) Type of operation for each elevator by elevator number or location in building (for large numbers of elevators describe by class-passenger/freight): Both elevators are fully automatic passenger
  - (iv) Automatic (type of controls): Both elevators will be fully automatic with sliding doors
  - (v) Floor served: All floors and roof
  - (vi) Type (hydraulic; gearless): Belt driven traction
  - (vii) Doors (sliding, swinging, manual, automatic): Auto, sliding
  - (viii) Location of machine rooms: The machine control room will be in the roof penthouse
  - (ix) DC Motor (manufacturer): N/A
  - (x) AC motor-generator set (manufacturer): Otis
  - (xi) Other: N/A



(13) Elevator cabs:

- (i) Kind (manufacturer): Otis
- (ii) Floor (material): Carpet
- (iii) Walls (material): Stainless steel and plastic laminate panels
- (iv) Ceiling (material): Mirror ceilings
- (v) Lighting: Down lights
- (vi) Alarm, safety system: There will be telephones in the cabs in the event of emergency.

i. **Auxiliary Facilities**

- (1) Laundry rooms: There will be no laundry room since each apartment will have a stacked washer / dryer located in closets.

- (i) Location and number of rooms: N/A
- (ii) Clothes washers, number and type (e.g. heavy duty, coin operated electric, gas): N/A
- (iii) Clothes dryer (number and type): N/A
- (iv) Room ventilation (method and final exhaust): N/A
- (v) Dryer ventilation (method and final exhaust): N/A

(2) Refuse disposal:

- (i) Incinerator(s) (number, location, capacity, type, manufacturer): N/A
- (ii) Compactor(s) (number, location, capacity, type, manufacturer): There will be a Royal-Krusher (or equal) compactor. A 24" aluminized steel 16 gauge rubbish chute discharges into a trash compactor at the 1<sup>st</sup> floor.
- (iii) Approvals by authorities having jurisdiction (date of each approval): N/A
- (iv) Initial storage location (ultimate storage location): located in the trash room in the first floor
- (v) Pick up schedule, whether public or private provider: Trash pick-up is by the City of New York D.E.P

j. **Plumbing & Drainage**

- (1) Water supply: Water is supplied from the 8" municipal water main located Borden Avenue. There will be a triplex water booster system with two (2) 80 gpm and one (1) 40 gpm pumps, located in the water meter room on the first floor.

(2) Fire protection:

- (i) Standpipes (material, size, location): The fire protection system will consist of one (1) - 6" combined standpipe/riser in the stairwell.
- (ii) Hose racks, hoses and nozzles (location): None
- (iii) Sprinkler heads (type system, location): The apartments, garage, and all common areas will be fully sprinklered with concealed pendant or sidewall heads.
- (iv) Siamese connection (type, location): There will be a Siamese connection, on Borden Avenue. A 40 HP electric, 500 gpm, fire pump will supply pressure to the system.





- (3) Water storage: There are no water storage tanks, except two (2) turbo max hot water heat exchangers: Located in roof mechanical room.
- (i) Number, type, location of each: N/A
  - (ii) Material (interior exterior and roof of tank): N/A
  - (iii) Access to tank (e.g. vertical gooseneck ladder): N/A
  - (iv) Capacity (total gallons): N/A
  - (v) Capacity (fire reserve): N/A
- (4) Water pressure: Water pressure will be maintained at 55 psi with the Booster Pump System. All water piping within the building shall be Type L copper pipe and fittings with lead free solder.
- (5) Sanitary sewage:
- (i) Sewage piping (materials): Sanitary sewer piping will be cast iron below grade and cast iron or DWV copper above grade.
  - (ii) Sewage pumps (if any): N/A
  - (iii) Sewage disposal (public/private; treatment; drainfield; sewer): The building system will tie into the municipal sewer located on Borden Avenue.
- (6) Permits required: There are no plumbing permits required except a City plumbing permit. Six (6) roof drains located at the low points of the roofs and terraces are piped into the storm system.
- (7) Storm drainage system: The storm drainage system will consist of cast iron roof drains and piping connected to a series of a detention tank that then drains into the municipal sewer on Borden Avenue.
- (i) Catch basins (location): None
  - (ii) Yard and roof drains (location): 3 yard drains
  - (iii) Piping (materials): XH cast iron
  - (iv) Eject or sump pumps (describe in detail and describe conditions requiring pumps): There will be a sump pump in the elevator pit discharging to the sewer system.

#### k. Heating

##### (1) Method

Heating for each unit is provided by individual gas fired P.T.A.C. units by Suburban or equal 9,800, 11,700 and 16,000 BTU/H capacity. There are four split A/C units. Two (2) three ton units for the gym, a two (2) ton unit for elevator lobby, and four (4) ton unit for main lobby. The HVAC system is designed based on the following design criteria which is in accordance with N.Y.S. energy code and will provide adequate heating and cooling:

Summer:	Outdoor Air	91fdb	74 fwb
	Indoor Air	74fdb	50% rh
Winter:	Outdoor Air	11fdb	
	Indoor Air	72fdb	

- (2) Number of Boilers and Description: Two (2) PNCH model 1000 or equal gas fired, low pressure, boilers for domestic hot water are located in rooftop mechanical room. Each has an output of 839,200 BTU/HR



(3) Manufacturer and Age of Boilers:*Not Applicable*(4) Manufacturer and Age of Burners:*Not Applicable*(5) Types of Controls:*The heating system will be regulated by an individual integral thermostat in each HVAC unit.*(6) Radiators, Piping, Insulation, Valves, Pumps etc.*All gas piping within the building shall be schedule 40 black steel pipe with black malleable IPS fittings.*(7) Fuel:*Natural gas.*(8) Location of Oil Tank and Materials:*Not Applicable*(9) Capacity of Oil Tank*Not Applicable*l. Gas Supply(1) Type: *Gas for heating, cooking, rooftop barbeque grills, and hot water will be supplied by Con Edison, located in Borden Avenue.*(2) Meters: *There will be two meters, one for cooking and one for heating.*(3) Piping: *Schedule 40 black steel pipe*m. Air Conditioning*The cooling system will be self-contained units within each apartment.*(1) Type of System - *Air cooled thru the wall*(2) Central System - *Not Applicable.*(3) Cooling Towers, Condensers - *Not Applicable*(4) Individual Units (thru Wall) - *Two sizes of PTAC's are utilized throughout the units: PTAC-2 -- (In all bedrooms except corner bedrooms) and PTAC-3 -- (All living rooms and corner bedrooms.)*

- PTAC-2 - 11,700 BTU, 208 volt Suburban Model DL3-1220 or equal.

- PTAC-3 16,000 BTU, 208 volt Suburban model DL3-1622 or equal.

(5) Common Areas:*Corridors are heated and cooled with two (2) 12.5 ton, roof mounted, gas fired, DX units, Trane model YC151C or equal with supply and return ductwork to each floor. There are four (4) split system units with electric heat supplying heating and cooling for the 1<sup>st</sup> floor lobby, gym, lounge and elevator lobby. The units will be EMI or equal with a total cooling capacity of 14 tons.*n. Ventilation*Interior toilets will be exhausted thru a vertical ducted shaft thru roof with registers in each bathroom connected to roof mounted exhaust fans. Individual electric dryers will be self vented within the apartment which is code acceptable. Corridors to be vented by two (2) rooftop units (1,150 CFM each).*



**o. Electrical System**

- (1) Service from main service switchgear: The underground service by Con Edison will supply 120/208 volt three (3) phase (4) wire power to the distribution boards. A 1200 amp switch board supplies power to the elevators, fire pump, booster pumps, compactor, common area lightings and HVAC. The service also feeds a 5000 amp switch board feeding seven (7) 800 amp switches feeding seven (7) meter banks feeding individual apartment meters, and a 200 amp switch supplying the separate garage meter. All meters to be located in the electric room on the first floor.
- (2) Service to individual units: Feeders to individual apartments are all 125 ampere, 120/208 volt and run in conduit, or armored cable.
- (3) Compartment switch gear: All switch gear is located in the 1<sup>st</sup> floor electric room.
- (4) Unit Service: Each apartment shall have a 125 amp 120/208 volt single (1) phase 3 wire 30 circuit panel with 20 amp circuit breakers except for 30 amp dryer breaker. This will be sufficient to provide power for the A/C units, lights, receptacles and appliances, including dishwashers and dryers.
- (5) Adequacy:
  - (i) Service: average number of circuits per apartment and capacity to handle modern appliances – specifically air conditioners, dishwashers and dryer. Each kitchen to have two (2) appliance circuits. All will be adequate for the use, with an average of 15 circuits per apartment.
  - (ii) Lighting and Fixtures
    - a. Apartments shall have ceiling mounted fluorescent fixtures in the kitchens. Incandescent ceiling mounted fixtures to be provided in bathrooms, halls & closets.
    - b. Stairwells to have fluorescent fixtures with emergency packs. Exit lights shall be provided at all exits & stairs as required.
  - (iii) Convenience outlets, applicable outlets: Receptacles and switches shall be provided in accordance with NEC & local codes.

**p. Intercom & Television**

System will have an exterior master unit at the main entrance. A door release system will be controlled from each apartment. The intercom system will be hard wired to each apartment. Television reception shall be provided by local cable service.

**q. Public Lighting**

All corridors shall have fluorescent wall mounted sconces. All other common areas, mechanical rooms, etc. to have 2 x 2 or 1 x 4 fluorescent light fixtures. There will be wall mounted decorative lighting at the entrance at the front of the building and at the service entrance.



r. **Garages**

- (1) Location of garages: *There is an enclosed garage on the 1<sup>st</sup> floor.*
- (2) Location of parking: *There are twenty-five (25) parking spaces in the parking garage..*
- (3) Surfaces: *The parking garage floor to be concrete. Lighting will be by ceiling mounted 175 watt metal halide fixtures.*
- (4) Parking (attended or unattended): *The parking shall be unattended.*
- (5) Garage ventilation (method and equipment): *Three (3) ceiling mounted 4000 CFM exhaust fans discharging thru the 2<sup>nd</sup> floor roof terraces. Exhaust fans are controlled by carbon monoxide detectors, which are hardwired.*
- (6) Garage fire protection (method and equipment): *Dry pipe sprinkler system*
- (7) Drainage: *Drainage is accomplished by floor drains connected to a detention tank that ties into the city combined sewer on Borden Avenue.*

s. **Swimming pool – None.**

- (1) Type: *N/A*
- (2) Size, length: *N/A*
- (3) Enclosure: *N/A*
- (4) Pumping and filter system: *N/A*
- (5) Water heating equipment: *N/A*
- (6) If on iron roof, specify structural system: *N/A*

t. **Tennis Courts, Playgrounds – None**

- (1) Tennis courts: *N/A*
  - (i) Type: *N/A*
  - (ii) Number and size: *N/A*
  - (iii) Lighting: *N/A*
  - (iv) Fencing: *N/A*
- (2) Playgrounds. Describe location and size, fencing, equipment types and sand bed or safety padding: *N/A*
- (3) Recreation facilities: *Gym is located on 1<sup>st</sup> floor.*

u. **Permits & Certificates**

*The following are required:*

- (1) *Building permit – 402115661-01-NB issued December 15, 2006.*
- (2) *Certificate of Occupancy – City of New York DOB.*
- (3) *Plumbing Permit - City of New York DOB.*
- (4) *HVAC Permit - City of New York DOB.*
- (5) *Fire Protection Permit & Approval – City of New York FD.*
- (6) *N.Y.C. Electrical Permit*
- (7) *Sewer Connection – City of New York, DEP - #SCQ-319/06*  
*Certified October 6, 2006*
- (8) *Curb Cut – City of New York DOB.*

v. **Violations - Not Applicable**



**w. Unit Information**

There shall be 132 apartments of varying configurations and sizes, Chart I indicates the size of each unit, bedroom / bathroom configuration, apartment configuration and floor area. (see attachments for individual floor plans). There will also be twenty six (26) roof top terraces.

- (1) Type and grade of finish material used: All the apartments shall be finished similarly, with painted gypsum board walls, ceramic tile floors and full height tile walls including tubs and showers. Engineered oak strip wood floors throughout the rest of the rooms. All ceilings shall be concrete with Kadex smooth finish painted, at a height of 9'-0" except kitchens and bathrooms which will be 8'-0".

- (2) Bathroom fixtures: All plumbing fixtures to be as indicated below, or equal.

Lavatories - Suneli Model # SK-2381 with Danze #D222658BN faucet  
Toilets - Toto Model #MS866114  
Bathtubs - Crane SanMarco 2206X with Danze #D560758BN  
thermostatic shower control

Master Bath

Lavatories - Suneli Model # SK-2385 with Danze #D222658BN  
Faucet

Vanities - Wood flat panel with thermofoil doors, flat panel with wood veneer on particle board

- (3) Kitchen and laundry equipment: All kitchen cabinets to be wood with granite counter tops, & stainless steel sink. Appliances to be as follows:

Refrigerators - Fisher Paykel #E521BRX  
Gas Cooktop - DCS #CTD304  
Gas Self Clean Oven - DCS #W0S130  
Dishwasher (Double Draw) - Fisher-Paykel # DD60355  
Microwave Oven - Sharp #RZ1ZOJK  
Electric Washer and Dryer - Bosch # WTE86300US & WFL2060UC  
Kitchen Sink - Suneli Model # SM2318  
Garbage Disposal - WasteKing #SS5000TC

**x. Finish Schedule (Other Than Apartments)**

Room	Floor	Walls	Ceiling	Remarks
Vestibule	Porcelain Tiles	Gyp Bd/Vwc	Gyp Bd/Ptd	N/A
Main Lobby	Granite	Gyp Bd/Vwc	Gyp Bd/Ptd	N/A
Lobbies & Corridors	Carpet	Gyp Bd/Vwc	Gyp Bd/Ptd	N/A
Halls	Carpet	Gyp Bd/Ptd	"	N/A
Stairs	Conc/Ptd	Block or Gyp Bd/Ptd	"	N/A
Compactor	"	Block/Gyp Bd.	Concrete	N/A
Mechanical	"	"	"	N/A
Telephone	"	"	"	N/A
Water	"	"	"	N/A
Electric	"	"	"	N/A
Storage	"	"	"	N/A
Elev. Mach. Rm	"	"	"	N/A
Garage	"	"	2x4 Layin	N/A



y. **Safety And Warning Devices**

*Individual hard wired smoke detectors shall be located adjacent to and in each bedroom. Smoke detectors shall be installed at each elevator lobby connected to the elevator recall.*

z. **Additional Information**

- (1) A site plan showing landscape features, roads and the outside dimensions:  
*Landscape plan indicates nine (9) nine 2 ½ " caliper Bald Cypress trees in the garden, Boxwood Hedges along the Borden Avenue garden wall, as well as to the west of the entrance along Borden Avenue. The garden will have planting beds around the perimeter with Perennials. Six (6) American Linden Street trees, will be planted along Borden Avenue. Yard areas to be seeded. (See attached site plan)*
- (2) Area map: *Area map is on site plan.*
- (3) Floor plan: *Floor plans for each floor are included.*
- (4) Floor to ceiling heights of units: *9'-0*
- (5) Approximate square footage of each unit: *Please see attached*
- (6) A master floor plan showing unit boundaries and the relationship of units to each other. *(Please see attached)*

aa. **Asbestos** - *No ACM to be installed in building.*

bb. *N/A*

cc. *N/A*

dd. *N/A*

ee. **Energy Conservation:** *To the best of my knowledge, belief and professional judgment, these plans and specifications are in compliance with the energy conservation construction code of New York State, using Chapter Five.*

NDG Architect, P.C.

A handwritten signature in black ink, appearing to read "Mitchell D. Newman", written over a horizontal line.

Mitchell D. Newman  
President

Exhibit H

March 26, 2007 Certification of Sponsor's Architect.





ARCHITECTURE • URBAN PLANNING • ENGINEERING

**CERTIFICATION OF SPONSOR'S ARCHITECT  
SECTION 20.4 (C) OF THE REGULATIONS INSURED  
PURSUANT TO GENERAL BUSINESS LAW ARTICLE 23-a**

March 26, 2007

New York State Department of Law  
Investment Protection Bureau Estate Financing Section  
Office of the Attorney General  
120 Broadway, 23<sup>rd</sup> Floor  
New York, NY 10271

Re: 5-49 Borden Avenue  
Long Island City, NY (the "Property")

Gentlemen:

I, Mitchell D. Newman am an Architect licensed to practice as an Architect in the State of New York. The Sponsor of the offering plan for condominium ownership of the captioned property retained my firm to prepare a report describing the construction of the property (the "Report"). I examined building plans and specifications that were prepared by NDG Architect, P.C. dated July 10, 2006, and prepared a report dated March 26, 2007 a copy of which is intended to be incorporated into the offering plan so that perspective purchasers may rely on the Report.

I understand that I am responsible for complying with Article 23-A of the General Business Law and the regulations promulgated by the Department of Law in Part 20 insofar as they are applicable to this Report.

I have read the entire Report and investigated the fact set forth in the Report and the facts underlying it with due diligence in order to form a basis for this certification, I certify that the Report;

- (i) sets forth in narrative form the description and/or physical condition of the entire property, as it will exist upon completion of the new construction, provided that the construction is in accordance with the plans and specifications that I examined.



- (ii) in my professional opinion, affords potential investors, purchasers and participants, an adequate basis upon which to found their judgment concerning the physical condition of the property as it will exist upon completion of the new construction, provided that the new construction is in accordance with the plans and specifications that we examined;
- (iii) not omit any material facts;
- (iv) not contain any untrue statement of material fact;
- (v) does not contain any fraud, deception concealment or suppression;
- (vi) not contain any promise or representation as to the future which is beyond reasonable explanation or unwarranted by existing circumstances;
- (vii) not contain any representation or statement which is false where I:  
(a) knew the truth; (b) with reasonable effort could have known the truth; (c) made no reasonable effort to ascertain the truth; (d) did not have knowledge concerning the representation or statement made.

I further certify that we are not owned or controlled by and have no beneficial interest in the sponsor and that our compensation for preparing this Report is not contingent on the conversion of the property to a condominium or on the profitability or price of the offering. This statement is not intended as a guarantee or warranty of the physical condition of the property.

NDG Architect, P.C.

A handwritten signature in dark ink, appearing to read "MDN", written over a horizontal line.

Mitchell D. Newman, President

Sworn to before me this

26 Day of March, 2007

A handwritten signature in dark ink, appearing to read "Elisa Spada", written over a horizontal line.  
Notary Public

ELISA SPADA  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 018P6137227  
Qualified in Nassau County  
My Commission Expires November 21, 2009

Exhibit I

Description of sound attenuating window wall system

Attached you will find:

- TRACO definition of industry standard terms.
- TRACO specified glazing system.
- Acoustical Performance Test Report; documenting laboratory test performed on subject glazing system.



## SOUND CONTROL 1 OF 4 STC AND LAMINATED GLASS

## GLASS OPTIONS

Notes  
Page

### GUIDELINES

#### A. Sound control terminology:

- > dB (Decibels) - the measurement of sound intensity.

dB: whisper = 20 normal speech = 60, noisy train = 120.

- > STL (Sound Transmission Loss) - the measurement of sound reduction, expressed in dB

- > STC (Sound Transmission Class) - the average of STL numbers across a frequency range. STC is used primarily to express interior wall partition sound performance. The higher the STC number, the better the sound reduction.

STC: 1/8" glass = 26, interior wall = 33, 1" IGU with 1/8" = 34, block wall = 48

- > OITC (Outdoor-Indoor Transmission Class) - is the average of STL numbers across a frequency range plus air infiltration, which is a more realistic representation of exterior facade sound performance. OITC values are usually lower than STC values.

a hung window with 1" IGU with 1/8" has a 30 STC, but only a 26 OITC.

- > Air Infiltration Effect - the sound-reducing performance of a window is dramatically affected by air infiltration; e.g., stand near an open window facing traffic noise and then close it - a dramatic reduction in sound is realized, even with no glass improvement.

- > Mass Effect - the greater the mass, the higher the STC.

1/8" glass replaced by 1/4" glass increases STC from 26 to 31.

- > Coincidence Effect - IGU with two glass lites of the same thickness will not absorb, but transmit sound, since the glass lites will respond in sympathetic vibration. However, an IGU made with unequal lites will reduce sound.

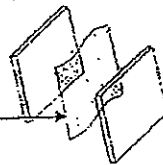
1" IGU with 1/8" replaced by 1" IGU with 1/8" & 1/4" increases STC from 34 to 37.

- > Stiffness Effect - means that the lower the stiffness, the higher the STC. Laminated glass bends more easily than single glass of the same thickness.

1/4" glass replaced by 1/4" lami (.933") glass will increase the STC from 31 to 35.

#### TRACO manufactured Laminated Glass

Polyvinyl butyral (PVB), .030", .060", or .090"  
clear interlayer autoclaved between annealed,  
heat strengthened, or tempered glass, up to  
9'x6" total thickness.



#### B. General rules, based on TRACO STC test results (see the next three pages...)

- > Window STC ranking, worst to best: sliding windows, then hung windows, then casement windows, then projected windows, and then fixed windows.
- > Glass STC ranking, worst to best: IGU, then dual glazing, and then dual windows.
- > Highest STC for any non-dual sliding window, regardless of glazing = 35.
- > Highest STC for any non-dual hung window, regardless of glazing = 36.

#### C. Additional resources for sound control information:

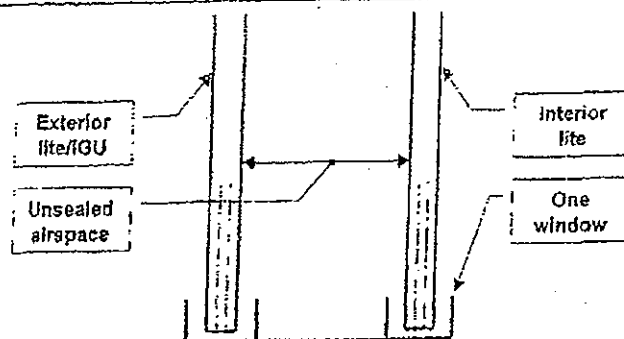
- > <http://www.saflex.com>
- > <http://www.domesticsoundproofing.co.uk/windows.htm>



# SOUND CONTROL 3 OF 4 WINDOWS WITH DUAL GLAZING

GLASS OPTIONS  
 32-4  
 Page 3

## TEST RESULTS



Model	STC <sup>A</sup>	OITC <sup>A*</sup>	Exterior lite/IGU	Unsealed airspace	Interior lite
TR-3500	40	25	1/4"	1-7/8"	1/8"
TR-3500	40	29	3/8"	1-7/8"	1/4"
TR-3800	40	30	1/4"	1-7/8"	1/8"
TR-3500	41	26	1/4"	1-7/8"	3/16"
TR-3800	41	28	1/4"	1-7/8"	3/16"
TR-2510	42	34	1/4"	1-1/2"	1/8"
TR-3410	42	30	3/4" IGU = 5/16" lami (.060") x 3/16"	1-7/8"	1/8"
* TR-3410	42	31	3/4" IGU = 1/4" lami (.030") x 5/16" lami (.060")	1-7/8"	1/8"
TR-3800	42	28	3/8"	1-7/8"	1/4"
TR-2510	43	34	1/4"	1-1/2"	3/16"
TR-3100	44	34	11/16" IGU = 1/4" lami x 3/16"	1-1/2"	3/16"
TR-3410	44	32	1/4" lami (.015")	2-1/4"	1/8"
TR-3410	44	32	3/4" IGU = 1/4" lami (.015") x 1/8"	1-3/4"	1/8"
TR-3410	45	35	1/4" lami (.015")	2-1/4"	1/4"
TR-3410	45	34	3/4" IGU = 1/4" lami (.015") x 1/8"	1-3/4"	1/4"

<sup>A</sup>STC = Sound Transmission Class    <sup>A\*</sup>OITC = Outdoor-Indoor Transmission Class    <sup>\*</sup>Calculated

\* **SPECIFIED PRODUCT**



# **ACOUSTICAL PERFORMANCE TEST REPORT**

**Rendered to:**

**TRACO**

**SERIES/MODEL: TR-3410**

**TYPE: Fixed Over Projected Window with Access Panel**

**PRIME WINDOW GLAZING: 1/4" Laminated**

**ACCESS PANEL GLAZING OPTION 1: 1/4" Annealed**

**ACCESS PANEL GLAZING OPTION 2: 1/8" Annealed**

<b>Report No:</b>	<b>01-38804.01</b>
<b>Test Date:</b>	<b>02/07/01</b>
<b>Report Date:</b>	<b>03/23/01</b>
<b>Expiration Date:</b>	<b>02/07/05</b>





**ACOUSTICAL PERFORMANCE TEST REPORT**

Rendered to:

TRACO  
71 Progress Avenue  
Cranberry Township, Pennsylvania 16066-3596

Report No: 01-38804.01  
Test Date: 02/07/01  
Report Date: 03/23/01  
Expiration Date: 02/07/05

**Test Sample Identification:**

Series/Model: TR-3410

Type: Fixed Over Projected Window with Interior Access Panel

Overall Size: 48.00" x 72.00"

Primary Glazing: 1/4" Laminated

Access Panel Glazing 1: 1/4" Annealed

Access Panel Glazing 2: 1/8" Annealed

**Project Scope:** Architectural Testing, Inc. (ATI) was contracted by TRACO to conduct sound transmission loss tests on a Series/Model TR-3410, fixed over projected window with two interior access panel glazing options. A summary of the results is listed in the Test Results section and the complete test data is included as Appendix C of this report.

**Test Methods:** The acoustical test was conducted in accordance with the following:

ASTM E9 0-97, *Standard Test Method for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions.*

ASTM E 413-87 (Re-approved 1999), *Classification for Rating Sound Insulation.*

ASTM E 1332-90 (Re-approved 1998), *Standard Classification for Determination of Outdoor-Indoor Transmission Class.*

**Test Equipment:** The equipment, used to conduct this test, meets the requirements of ASTM E 90-97. The microphones were calibrated before conducting the sound transmission loss test. The test equipment and test chamber descriptions are listed in Appendix A.

130 Derry Court  
York, PA 17402-9405  
phone: 717.764.7700  
fax: 717.764.4129  
www.testati.com

01-38804.01

01-38804.01  
Page 2 of 5**Test Procedure:**

Sound transmission loss tests were initially performed on a filler wall that was designed to test 4' 0" by 6' 0" and 6' 0" by 4' 0" specimens. The filler wall achieved an STC rating of 63.

A wood frame was placed around the outside perimeter of Series/Model TR-3410, fixed over projected window with access panel. Duct seal was used to seal the window to the wood frame. The 4' 0" by 6' 0" plug was removed from the filler wall assembly and the test specimen was installed in the opening. The interior side of the window frame, when installed, was approximately 1/4" from being flush with the receiving room side of the filler wall. A dense neoprene gasket and duct seal was used to seal the wood frame to the inside perimeter of the filler wall opening. A stethoscope was used to check for any abnormal air leaks before the test.

One background noise sound pressure level, and five sound absorption measurements were conducted at each of the five microphone positions. Two sound pressure level measurements were made simultaneously in both rooms, at each of the five microphone positions. The air temperature and relative humidity conditions were monitored and recorded during the background, absorption, source and receive room measurements.

**Sample Descriptions:****Primary Frame Construction:**

	Frame	Vent
Size	48.00" x 72.00"	45.75" x 22.00"
<b>CORNERS</b>	Mitered	Mitered
Fasteners	Welds	Welds
Seal Method	Sealant	Sealant
<b>MATERIAL</b>	AT	AT
Thermal Break Material	U	U
<b>GLAZING METHOD</b>	Channel Glazed	Channel Glazed
	Fixed Daylight Opening Size:	Daylight Opening Size:
	41.00" x 41.50"	38.25 x 14.00"

01-38804.01  
Page 4 of 5**Sample Descriptions: (Continued)****Components:**

TYPE	QUANTITY	LOCATION
<b>WEATHERSTRIP</b>		
0.12" x 0.09" polypile with center fin	1 Row	Perimeter of fixed lite and vent for access panel
0.25" x 0.12" multi leaf bulb gasket	1 Row	Main frame: Perimeter of vent opening Vent: All members
<b>HARDWARE</b>		
Metal sweep lock	2	Lock rail of vent
Keeper	2	Lock rail of main frame
Weep cover	4	Lock rail, sill
Multi bar hinge system	2	Vent stiles
<b>DRAINAGE</b>		
1.00" x 0.25" weepslots	4	Sill, lock rail

\* - Stated per Client/Manufacturer NA-Non Applicable See Appendix B for Description Codes

**Comments:** An open cell foam block measuring 2" x 1" x 1.50" was located in the sill and lock rail hollows in front of each weep. The total window weight was 177.5 lbs with access panel glazing Option #1, and 157 lbs with access panel glazing Option #2. The glass to glass air space between the primary and access panel glazing was 2.25". The client did not supply drawings on the Series/Model TR-3410, fixed over projected window with access panel. The window was disassembled, and the components will be retained by ATI for four years.

**Test Results:** The STC (Sound Transmission Class) rating was calculated in accordance with ASTM E 413-87. The OITC (Outdoor-Indoor Transmission Class) was calculated in accordance with ASTM E 1332-90. A summary of the sound transmission loss test results on the fixed over projected window with access panel is listed below.

ATI Job File No.	Sample Description	STC	OITC
01-38804.01-1	Series/Model TR-3410, fixed over projected window with 1/4" laminated primary, and 1/4" annealed access panel.	45	35
01-38804.01-2	Series/Model TR-3410, fixed over projected window with 1/4" laminated primary, and 1/8" annealed access panel.	44	32

The complete test results are listed in Appendix C.

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Page 5 of 5

This report is prepared for the convenience of our customer and endeavors to provide accurate and timely project information. It contains a summary of observations made by a qualified representative of Architectural Testing, Inc. The results of this report apply only to the specimens that were tested. The statements made herein do not constitute approval, disapproval, certification or acceptance of performance or materials.

A copy of this report will be retained by ATI for a period of four years. This report is the exclusive property of the client so named herein. This report shall not be reproduced, except in full, without written approval by Architectural Testing, Inc.

For ARCHITECTURAL TESTING, INC:



Brandon C. Ward  
Technician - Acoustical Testing



Todd D. Kister  
Senior Technician - Acoustical Testing

BCW.bcw  
01-38804.01

